

AGENDA

Regular Meeting

of the

CITY COUNCIL OF THE CITY OF TROY

MARCH 1, 2004

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

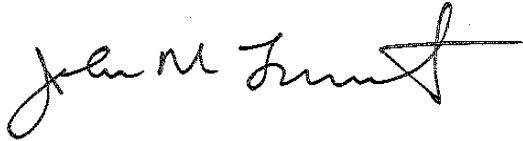
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Lamerato", with a stylized flourish at the end.

John M. Lamerato
Assistant City Manager/Finance and Administration



CITY COUNCIL

AGENDA

March 1, 2004 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER 1

INVOCATION & PLEDGE OF ALLEGIANCE – Rev. Hoon Kyoung Lee – Korean United Methodist Church 1

ROLL CALL 1

PRESENTATIONS: No presentations scheduled. 1

PUBLIC HEARINGS: No public hearings scheduled 1

PUBLIC COMMENT: 1

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NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE – Rev. Hoon Kyoung Lee – Korean
United Methodist Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATIONS: No presentations scheduled.

PUBLIC HEARINGS: No public hearings scheduled

PUBLIC COMMENT:

A. Items on the Current Agenda

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

B. Items Not on the Current Agenda

After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Rules of Procedure for the City Council, Article 15 as amended September 22, 2003)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended September 22, 2003)

E-1 Approval of Consent Agenda

Suggested Resolution

Resolution #2004-03-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

E-2 Minutes: Regular Meetings of February 18, 2004 and February 23, 2004

Suggested Resolution

Resolution #2004-03-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting/Liquor Violation Hearings of February 18, 2004 and the Minutes of the 7:30 PM Regular Meeting of February 23, 2004 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation:

Suggested Resolution

Resolution #2004-03-

RESOLVED, That the following City of Troy Proclamation be **APPROVED**:

(a) Purchasing Month – March 2004

E-4 Standard Purchasing Resolution 1: Award to Low Bidder - AmmunitionSuggested Resolution

Resolution #2004-03-

RESOLVED, That a one (1) year contract to furnish requirements of ammunition with an option to renew for one additional year, is hereby **AWARDED** to the low bidder, CMP Distributors, Inc. for an estimated annual cost of \$47,517.00, at unit prices contained in the bid tabulation opened January 6, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Standard Purchasing Resolution 3: Exercise Renewal Option – Lawn and Yard Services/Home Chore ProgramSuggested Resolution

Resolution #2004-03-

WHEREAS, On November 18, 2002, a one-year contract with an option to renew for one additional year to provide Lawn and Yard Services for the Home Chore Program was awarded to the low total bidder, Kathy's Lawn Maintenance (Resolution #2002-11-613-E-6); and

WHEREAS, Kathy's Lawn Maintenance has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Kathy's Lawn Maintenance, to provide one-year requirements of Lawn and Yard Services for the Home Chore Program at an estimated cost of \$48,968.00, under the same prices, terms, and conditions expiring April 30, 2005.

E-6 Request for Vacation of a Storm Sewer Easement – Sidwell #88-20-28-203-035 – Drury InnSuggested Resolution

Resolution #2004-03-

RESOLVED, That the permanent easement for storm sewer, as conveyed to the City of Troy by Drury Inn – Troy, a Michigan Partnership and recorded in Liber 8668, Page 618 of Oakland County Register of Deeds be **VACATED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said vacation of the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Application for a New Specially Designated Distributor – Specially Designated Merchant (SDD/SDM) License by Han Mi Oriental Mart, Inc.

(a) Proposed Resolution Requesting a New Specially Designated Distributor (SDD) – Specially Designated Merchant (SDM) License

Suggested Resolution
Resolution #2004-03-

RESOLVED, That the request from Han Mi Oriental Mart, Inc., for a new Specially Designated Distributor (SDD) – Specially Designated Merchant (SDM) license, located at 5060 Rochester, Troy, MI 48085 – Oakland County [MLCC REQ ID #235659], be considered for approval. It is the consensus of this legislative body that the application be **RECOMMENDED** for issuance.

(b) Proposed Resolution Requesting Approval of Agreement

Suggested Resolution
Resolution #2004-03

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Han Mi Oriental Mart, Inc., which shall become effective upon approval of the request for a new Specially Designated Distributor (SDD) – Specially Designated Merchant (SDM) license, located at 5060 Rochester, Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Summer Maintenance Agreement – R.C.O.C.

Suggested Resolution
Resolution #2004-03-

RESOLVED, That the Summer Maintenance Agreement between the Board of County Road Commissioners of the County of Oakland and the City of Troy, which becomes effective on April 1, 2004, with payment by the Road Commission for Oakland County to the City of Troy in the amount of \$33,714.72, is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Macomb County Animal Shelter ServicesSuggested Resolution

Resolution #2004-03-

RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the Agreement between Macomb County Health Department and the City of Troy dated January 1, 2004, and **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** the documents; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Compensation for (a) City Manager and (b) City Attorney**(a) Compensation for City Manger**Suggested Resolution

Resolution #2004-03-

RESOLVED, That the salary of the City Manager **SHALL BE** \$133,786.00 per year **EFFECTIVE** January 1, 2004; and

BE IT FURTHER RESOLVED, That the City Manager **IS ELIGIBLE** for a severance benefit equal to six months of salary should he be involuntarily terminated, and **HAVE THE OPTION** of converting this pay to the equivalent years of service for his pension, along with six months of healthcare coverage; and

BE IT FURTHER RESOLVED, That the City Manager **SHALL CONTINUE** to be included in the "exempt" classification and be provided the fringe benefits of this classification; and

BE IT FINALLY RESOLVED, That the City Clerk and the Mayor are **AUTHORIZED TO EXECUTE** the City Manager's Employment Agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

(b) Compensation for City AttorneySuggested Resolution

Resolution #2004-03-

RESOLVED, That the salary of the City Attorney **SHALL BE** \$109,697.00 per year **EFFECTIVE** January 1, 2004; and

BE IT FURTHER RESOLVED, That the City Attorney **SHALL CONTINUE** to be included in the "exempt" classification and be provided the fringe benefits of this classification.

E-11 Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)Suggested Resolution

Resolution #2004-03-

RESOLVED, That the City Manager is hereby **AUTHORIZED** to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the casualty and property insurance needs of the City.

E-12 Nancy Cook v. City of Troy and Ronald MakowskiSuggested Resolution

Resolution #2004-03-

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Nancy Cook v. City of Troy and Ronald Makowski and to retain any necessary expert witnesses to adequately represent the City.

E-13 Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Printing of Troy Today – Quarterly NewsletterSuggested Resolution

Resolution #2004-03-

RESOLVED, That a contract to provide printing of the quarterly Troy Today newsletter for one (1) year with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Grand River Printing & Imaging, for an estimated annual cost of \$66,970.00, plus the actual cost of bulk rate postage; and additional charges as needed not to exceed 10% of the total contract cost or \$6,697.00, at unit prices contained in the bid tabulation opened February 11, 2004 o expire upon completion of the Spring 2005 issue; a copy of which shall be **ATTACHED** to the original Minutes of this meeting to expire upon completion of the Spring 2005 issue.

E-14 Amendment to Chapter 10 – Employees Retirement SystemSuggested Resolution

Resolution #2004-03-

RESOLVED, That the ordinance to amend Chapter 10 of the City Code, Employees Retirement System, is hereby **RATIFIED** as recommended by the City Attorney; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

E-15 Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance ProgramSuggested Resolution

Resolution #2004-03-

RESOLVED, That a contract to provide Parking Lot Maintenance is hereby **AWARDED** to the low bidder, Asphalt Specialists, Inc., for an estimated total cost of \$104,290.00, at unit prices contained in the bid tabulation opened February 11, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements, and if changes in the quantity of work is required either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total project cost and within budgetary limitations.

E-16 Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Type “K” Copper TubingSuggested Resolution

Resolution #2004-03-

RESOLVED, That contracts to purchase Type “K” Copper Tubing are hereby **AWARDED** to the low bidders meeting specifications, Linwood Pipe & Supply / A Ferguson Enterprise and SLC Meter Service, Inc. for an estimated total cost of \$864.00 and \$13,782.00 respectively, at unit prices contained in the bid tabulation opened February 6, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-17 Request for Acceptance of Permanent Easements and Reimbursement for Landscaping in the Easement Areas – Maplelawn Road Reconstruction Project – Maple to Crooks – Project #90.903.1Suggested Resolution

Resolution #2004-03-

RESOLVED, That the permanent easements for roadway, sidewalk, public and private utilities for the Maplelawn Road Reconstruction Project/Maple to Crooks, for the following properties as indicated by Sidwell numbers: 20-21-426-029 and 20-28-302-002, are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That payments be **AUTHORIZED** for the reimbursement of landscaping in the total amount of \$21,213.77; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said permanent easements with the Oakland County Register of Deeds; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-18 Request for Recognition as a Nonprofit Organization Status from Somerset Collection Charitable Foundation for the Purpose of Obtaining a Charitable Gaming LicenseSuggested Resolution

Resolution #2004-03-

RESOLVED, That the request from the Somerset Collection Charitable Foundation, Troy, Michigan - County of Oakland, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-19 Request for Unconditioned Offers – Permanent Water Main Easements: Donaldson Water Main Re-placement – Project #01-504.5 – Owners: Wiktorski-Sutherland-Nagamalli**(a) Request for Unconditioned Offers**Suggested Resolution

Resolution #2004-03-

WHEREAS, In order to proceed with the proposed water main replacement on Donaldson, south of Square Lake, on schedule, it is necessary for Council to take action to approve, unconditioned offers to purchase, and court action, if necessary, in order to obtain the below listed necessary permanent water main easements:

<u>Owner</u>	<u>Pin #</u>	<u>Interest Needed</u>	<u>Appraised Value</u>
Nagamalli	20-10-126-045	13' Water Main Easement	\$1,600.00
Sutherland	20-10-126-047	10' Water Main Easement	\$3,200.00
Wiktorski	20-10-126-046	10' Water Main Easement	\$2,900.00

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make unconditioned offers for the needed permanent water main easements for the amounts of the appraisals plus closing costs.

(b) Request for Authorization to Institute Court Action if NecessarySuggested Resolution

Resolution #2004-03-

WHEREAS, In order to proceed with the proposed water main replacement on Donaldson, south of Square Lake, on schedule, it is necessary for Council to take action to approve, unconditioned offers to purchase, and court action, if necessary, in order to obtain the below listed necessary permanent water main easements:

<u>Owner</u>	<u>Pin #</u>	<u>Interest Needed</u>	<u>Appraised Value</u>
Nagamalli	20-10-126-045	13' Water Main Easement	\$1,600.00
Sutherland	20-10-126-047	10' Water Main Easement	\$3,200.00
Wiktorski	20-10-126-046	10' Water Main Easement	\$2,900.00

BE IT RESOLVED, That the City Attorney is hereby **AUTHORIZED**, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

**E-20 Standard Purchasing Resolution 3: Exercise Renewal Option – Printing/
Distribution of Water & Sewer Bills**

Suggested Resolution
Resolution #2004-03-

WHEREAS, On March 3, 2003 a one-year contract with the option to renew for three additional one-year periods for printing/distribution of water and sewer bills was awarded to the low bidder, CDCI/Source Link, as a result of a best value process (Resolution #2003-03-126-E-15); and

WHEREAS, CDCI/Source Link has agreed to exercise the option to renew for one additional year under the same contract prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with CDCI/Source Link to provide printing/distribution of water and sewer bills for an estimated total cost of \$13,000.00, plus the actual cost of first class postage, under the same contract prices, terms, and conditions, to expire April 30, 2005.

REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended September 22, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: (a) Mayoral Appointments: 1. Economic Development Corporation; City Council Appointments: 1. Advisory Board for Persons with Disabilities; 2. CATV Advisory Board; 3. Historic District Commission; 4. Parks & Recreation Board; 5. Troy Daze

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

(a) Mayoral Appointments

Suggested Resolution

Resolution #2004-03-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Stuart F Redpath Does not wish to be reappointed Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

CURRENT MEMBERS

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
Rocchio, James A.	04/30/03
Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Victor, Robert	6/03/03-05/2005	06/16/03

Yes:

No:

(b) City Council AppointmentsSuggested Resolution

Resolution #2004-03-

Moved by

Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Advisory Committee for Persons with Disabilities**Appointed by Council (9 Regular, 3 Alternates) – 3 years**

Term expires 11-01-2006 (Alternate)

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Robosan-Burt	11/01/06
Angela Done	11/01/05
Nancy Johnson	11/01/06
Leonard G. Bertin	11/01/05
Pauline Manetta	11/01/06
Dick Kuschinsky	11/01/04
Theodora House	11/01/06
Grace Yau (Student)	07/01/04
Dorothy Ann Pietron	11/01/04
Nada Raheb (Student)	07/01/03
Mark Pritzloff	11/01/06

Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Jayshree Shah (Alternate)	11/01/03

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kathleen Ann Connor	02/25/04	03/01/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

CATV Advisory Committee**Appointed by Council (7) – 3 years**

Term expires 2-28-2004

Term expires 2-28-2004

CURRENT MEMBERS

NAME	TERM EXPIRES
Jerry L. Bixby	02/28/06
Shazad Butt	11/30/05
Richard Hughes	02/28/06
Penny Marinos	02/28/04
Alan Manzon	09/30/06
Fan Lin (Student)	07/01/04
W. Kent Voigt	02/28/04
Bryan H. Wehrung	02/28/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Godlewski, W S	12/28/01-07/01/03- 07/2005	01/07/02-07/07/03
Kuschinsky, Dick	10/11/01-06/19/03- 06/2005	11/05/01
Powers, Brian M	10/15/02-10/2004	10/21/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Victor, Robert	06/03/03-06/2005	
Wattles, Brian J	07/10/01	07/23/01
Weisgerber, William	07/14/03-07/2005	07/21/03

Historic District Commission
Appointed by Council(7) – 3 Years

Term expires 3-01-2004

CURRENT MEMBERS

NAME	TERM EXPIRES
Marjorie A Biglin	03/01/04
Wilson Deane Blythe	03/01/05
Barbara Chambers	03/01/05
Paul C Lin	05/15/06
Ann Partlan	03/01/05
Muriel Rounds	05/15/06
Dorothy Scott	05/15/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Krivoshein, Kerry S	08/12/99-06/14/01- 05/2003	07/09/01
Petrulis, Al	02/11/03-07/31/03- 07/2005	02/17/03-08/18/03

Parks and Recreation Board
Appointed by Council (10) – 3 years

Unexpired term expires 9-30-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Douglas M Bordas	09/30/05
Merrill Dixon (Senior Rep)	04/30/26
Ida Edmunds (School Rep)	07/31/04
Kathleen Fejes	09/30/04
Jose, Lawrence (Resigned)	09/30/06
Orestes Kaltsounis (Rusty)	09/30/06
Amy Kerns (Student)	07/1/04
Meaghan Kovacs – Does not wish to be reappointed 06/25/03	
Tom Krent	09/30/04
Jeffrey Stewart (Troy Daze Rep)	09/30/06
Janice Zikakis	09/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03

Balasa, Violet-Viorica	06/27/03-06/2005	07/07/03
Bliss, Daniel H	03/17/03-03/2005	04/14/03
Deel, Ryan J	05/17/01-06/25/01-05/2003	05/21/01-07/09/01
Dixon, Merrill W	03/17/03-03/2005	04/14/03
Gazetti, Tod	09/10/02-09/2004	09/23/02
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Hrynik, Thomas F	10/16/00-06/14/01-06/09/03-05/2005	11/06/00-07/09/01-06/16/03
Hyun, Yul Woong (Jeff)	09/26/03-09/2005	10/06/03
Huber, Laurie G	06/18/01-05/2003	07/09/01
Navratil, Terry	06/10/03-05/2005	06/16/03
O'Brien, Michael	07/25/03-07/2005	08/04/03
Petrulis, Al	02/11/03-07/31/03-07/2005	02/17/03
Poulsen, Connie	08/17/01-08/2003	09/10/01
Preston, Robert S	10/11/02	11/04/02
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Redpath, Stuart	07/26/00-03/17/03-03/2005	08/07/00-04/14/03
Rounds, Muriel	07/25/03-07/2005	08/04/03
Shah, Oniell	08/07/02	09/23/02
Smits, Beatrice G	12/2/03-12/2005	12/15/03
Victor, Robert	06/03/03-05/2005	06/16/03
Wattles, Brian J	07/10/01	07/23/01

Troy Daze**Appointed by Council (9) – 3 years****Term expires 11-30-2004****Term expires 07-01-2003 Student****CURRENT MEMBERS**

NAME	TERM EXPIRES
Robert A. Berk	11/30/03
Sue Bishop Deceased	11/30/04
Jim D. Cyrulewski.	11/30/04
Cecile Dilley	11/30/04
Kessie Kaltsounis	11/30/05
Michael Gonda	11/30/06
William F Hall	11/30/05

Jeffrey Stewart - (Rep to Parks/Rec Board)	09/30/06
Robert S. Preston	11/30/05
Cheryl A Whitton-Kaszubski	11/30/03
Jessica Zablocki (Student)	07/01/03

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Asjad, Zarina J	05/01/03-05/2005	05/05/03
Freliga, Mary E	11/25/02-11/2004	12/02/02
Hashmi, Amin	08/22/02-08/2004	
Huber, Laurie G	09/22/00-06/18/01-05/2003	09/22/00-7/09/01
Musick, Marilyn K	12/01/03/12/2005	12/15/01
Pietron, Dorothy Ann	07/10/01-07/2003	07/23/01
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Shier, Frank	02/18/03-02/2005	03/03/03
Wells, Alexandra	08/22/02-08/2004	09/09/02

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:

No:

F-2 Closed SessionSuggested Resolution

Resolution #2004-03-

Moved by

Seconded by

BE IT RESOVLED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Kaftan Enterprises v. City of Troy, after adjournment of this meeting.

Yes:

No:

F-3 Community Affairs Department RenovationSuggested Resolution

Resolution #2004-03-

Moved by

Seconded by

RESOLVED, That City Staff is **AUTHORIZED** to renovate office space for the Community Affairs Department and Conference Room as outlined in Appendix A, Detailed Cost Estimates at an estimated total project cost of \$65,530.00, utilizing in-house personnel, approved contracts, and standard purchasing procedures.

Yes:

No:

F-4 Bid Waiver - Maintenance Contract for Sanctuary Lake Golf Course

Suggested Resolution

Resolution #2004-03-

Moved by

Seconded by

WHEREAS, Douglas Treadwell Golf and Associates is the partner of Troy Golf L.L.C. that designed and is constructing the Sanctuary Lake Golf Course; and

WHEREAS, A mid-season opening date is anticipated with a smooth transition into daily operations being imperative; and

WHEREAS, Douglas Treadwell Golf and Associates has extensive knowledge of the Section One site and the golf course development and maintenance activities; and

WHEREAS, A mid-season switch to another company or City Staff is disruptive to the entire golf operation.

NOW, THEREFORE, BE IT RESOLVED, That staff is **AUTHORIZED** to prepare contract documents for Douglas Treadwell Golf and Associates to provide golf maintenance through November 30, 2004 at an estimated cost of \$480,400.00 provided the course opens June 1, 2004 and pro-rated thereafter; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed contract documents, including bonds, insurance certificates and any other requirements deemed necessary by City Staff; and **AUTHORIZATION IS GRANTED** to add or delete work due to weather conditions, not to exceed 10% of the original project cost or \$48,040.00.

Yes:

No:

F-5 City of Troy Proposed Resolution: Requesting Michigan Legislature to Correct Assessment Inequity

Suggested Resolution

Resolution #2004-03-

Moved by

Seconded by

WHEREAS, The Michigan Supreme Court issued a decision in the *WPW Acquisitions v City of Troy* case concerning the assessment of property taxes on commercial properties; and

WHEREAS, The Supreme Court's decision has resulted in inequities as it relates to property assessments whose value is based on occupancy rates; and

WHEREAS, The WPW decision declared the "additions" language for increase in occupancy is unconstitutional but did not address the offsetting "loss" language, which has a large impact on many properties in the State; and

WHEREAS, Prior to this decision a commercial/industrial property owner could work with their local assessor for assessment relief if the property's occupancy rate dropped (loss), and subsequently, when the occupancy rate improved the assessment would return to a stabilized level when the occupancy recovered (addition); and

WHEREAS, This was a fair and reasonable way to help property owners who were struggling with a particular property, and the "addition" and "loss" sections of the statute worked in harmony, providing temporary relief for decrease in occupancy; and

WHEREAS, Since the "addition" section of the statute has been ruled unconstitutional, commercial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value and then lock in non-market property taxes at a reduced level; and

WHEREAS, The decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates; and

WHEREAS, The decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, theoretically, property taxes collected from commercial properties as a percentage of total tax revenues will decrease; and

WHEREAS, The potential loss in property tax revenue within the City of Troy as a result of the Supreme Court decision is significant. Such potential revenue loss will not only impact the City of Troy, but also the County of Oakland, Troy School District, the State of Michigan Education Tax, Oakland Intermediate School District, and Oakland Community College.

NOW THEREFORE BE IT RESOLVED, That the City of Troy strongly urges its State Legislators to re-establish tax equity and correct the impact of the *WPW Acquisitions v City of Troy* decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(iii)).

BE IT FURTHER RESOLVED, That copies of this resolution be sent to State Senator Shirley Johnson and State Representative John Pappageorge who represent the City of Troy.

Yes:

No:

F-6 Alternate Dispatch Center (ADC) Relocation BudgetSuggested Resolution

Resolution #2004-03-

Moved by

Seconded by

RESOLVED, That the Troy City Council hereby **APPROVES** the budget for the moving of the Alternate Dispatch Center from the Department of Public Works to the Troy Police and Fire Training Center for a cost not to exceed \$47,000.00.

Yes:

No:

COUNCIL COMMENTS/COUNCIL REFERRALS**Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda:**

1. Amendment to Rules of Procedure – Proposed by Council Member BeltraminiSuggested Resolution

Resolution #2004-03-

Moved by

Seconded by

RESOLVED, That Council Rules of Procedure be **AMENDED** as recommended effective at the next meeting of Council.

Yes:

No:

COUNCIL REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Parks and Recreation Advisory Board/Final – November 13, 2003
 - (b) Troy Daze/Final – November 25, 2003
 - (c) Library Board/Final – January 8, 2004
 - (d) Parks and Recreation Advisory Board/Final – January 8, 2004
 - (e) Planning Commission Special-Study/Final – January 27, 2004
 - (f) Ethnic Issues Advisory Board/Final – February 3, 2004
 - (g) Planning Commission Special-Study/Final – February 3, 2004
 - (h) Employees' Retirement System Board of Trustees/Draft – February 11, 2004
 - (i) Library Board/Draft – February 12, 2004
 - (j) Board of Zoning Appeals – February 17, 2004
-

G-2 Department Reports:

- (a) 2003 Police Department Calls for Service
-

G-3 Announcement of Public Hearings:

- (a) Commercial Vehicle Appeal – 1918 Muer – Scheduled for March 22, 2004
 - (b) Parking Variance Request – 3614-3674 Rochester Road – Scheduled for March 22, 2004
-

G-4 Green Memorandums: None submitted.**G-5 Proposed Proclamations/Resolutions from Other Organizations:**

- (a) City of Farmington Hills – Resolution - Urging Regulation of Cable Television Rates
-

G-6 Calendar**G-7 Letters of Appreciation:**

- (a) E-Mail from Leonard Bertin Commending Laura Fitzpatrick on Her Thoroughness in the Role She Played in the Civic Center Priority Task Force (CCPTF) Report
-

G-8 Letter to U.S. Senator Carl Levin, Re: Use of CMAQ Transportation Funds for Operations of ITS Programs**G-9 Memorandum, Re: Report on 2003 Sidewalk Waivers****G-10 Memorandum, Re: Cricket Field at Boulan Park**

PUBLIC COMMENT

Public Comment is limited to people who have not addressed Council during the 1st Public Comment section (Rules of Procedure for the City Council, Article 5 (15), as amended May 6, 2002).

STUDY ITEMS – No study items submitted.

It is City Management's recommendation to recess the Regular meeting at this time and to immediately reconvene it in the Council Board Room to provide for a study environment. Additionally, it would be recommended that the Mayor request the City Clerk to post notice that the City Council meeting has been relocated to the Council Board Room.

Respectfully submitted,

John M. Lamerato
Assistant City Manager/Finance and Administration

A Regular Meeting of the Troy City Council was held Wednesday, February 18, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:33 P.M.

The Invocation was given by Mayor Pro Tem Lambert and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

OUTLINE OF PUBLIC HEARING PROCEDURE

The City Attorney suggests the following outline of procedure for consideration of liquor violations:

1. The Mayor calls the Licensee whose case is to be heard.
2. The Licensee and/or his attorney should be asked to the front of the Chamber to acknowledge their presence for the record and can be seated.
3. The Assistant City Attorney makes a very short opening statement regarding the violation(s), and presents proofs.
4. When witnesses are called, they should be sworn by the City Clerk to tell the truth.
5. Once the witness is sworn, the Assistant City Attorney will question the witness.
6. The police report and other documents may be offered into evidence as part of the case and should be kept by the City Clerk as part of the records.
7. At the conclusion of the City's case, the Licensee or his attorney should be asked to offer an explanation for the violations if they choose, make a statement, offer evidence, or otherwise make their presentation.
8. If the Licensee offers evidence from witnesses who have not been previously sworn, the City Clerk should swear those witnesses.
9. Once the Licensee has concluded his presentation, the Assistant City Attorney should be given an opportunity for rebuttal, if any is desired.
10. City Council members may ask questions at any time, but it is suggested that this questioning by Council members be conducted after the parties conclude their presentations.
11. When the presentation of evidence is concluded, the matter returns to the City Council for discussion, deliberation, and resolution.

PUBLIC COMMENT:

A. Items on the Current Agenda**PUBLIC HEARINGS**

The following named Licensees have been given notice to appear for this series of Public Hearings regarding alleged violations:

Liquor Violations (Class C):

- a) Name: Alibi Lounge of Troy, Inc. (dba: Alibi Lounge)
Address: 6700 Rochester Road
License No.: Class C (858-2002)
- b) Name: LaShish, Inc. (dba: LaShish)
Address: 3720 Rochester Road
License No.: Class C (100797-2002)
- c) Name: Picano Restaurant, Inc. (dba: Picano's)
Address: 3775 Rochester Road
License No.: Class C (7024-2002)
- d) Name: Mon Jin Lau, Inc. (dba: Mon Jin Lau)
Address: 1515 E. Maple
License No.: Class C (353-2002)
- e) Name: Hooter's of Troy, Inc. (dba: Hooter's)
Address: 1686 John R
License No.: Class C (1737-2002)
- f) Name: Brinker Restaurant Corp., Inc. (dba: Chili's Bar & Grille)
Address: 402 W. 14 Mile Road
License No.: Class C (4474-2002)
- g) Name: National Coney Island, Inc. (dba: National Coney Island)
Address: 3364 Rochester Road
License No.: Class C Resort (41187-2002)
- h) Name: Motor City of Troy, Inc. (dba: Motor City Coney Café)
Address: 1949 W. Maple
License No.: Class C, Outdoor Service Permit (118796-2003 SS)

1.0 Liquor Violations (Class C): (a) Alibi Lounge of Troy, Inc. (dba: Alibi Lounge); (b) LaShish, Inc. (dba: LaShish); (c) Picano Restaurant, Inc. (dba: Picano's); (d) Mon Jin Lau, Inc. (dba: Mon Jin Lau); (e) Hooter's of Troy, Inc. (dba: Hooter's); (f) Brinker Restaurant Corp., Inc. (dba: Chili's Bar & Grille); (g) National Coney Island, Inc. (dba: National Coney Island); and (g) Motor City of Troy, Inc. (dba: Motor City Coney Café)

(a) Alibi Lounge of Troy, Inc. (dba: Alibi Lounge)

Resolution #2004-02-078

Moved by Stine

Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: Alibi Lounge of Troy, Inc. (dba: Alibi Lounge)
Address: 6700 Rochester Road
License No.: Class C (858-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on October 28, 2003; and

WHEREAS, This Licensee had a prior violation dated October 11, 2002 – Sale to Minor (Compliance Test); and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 858-2002 (Class C) in the name of Alibi Lounge of Troy, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that the Licensee will implement their proposed "Employee Acknowledgement of Policy Pertaining to Sales of Alcoholic Beverages" and submit the Troy Police Department with copies of the revised Employee Acknowledgement of Policy signed by employees which will include the revision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

(b) LaShish, Inc. (dba: LaShish)

Resolution

Moved by Stine

Seconded by Howrylak

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: LaShish, Inc. (dba: LaShish)
Address: 3720 Rochester Road
License No.: Class C (100797-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on October 28, 2003; and

WHEREAS, This Licensee had a prior violation dated August 16, 2001 – Sale to Minor (Compliance Test); and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 100797-2002 (Class C) in the name of LaShish, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that Licensee provide their form of an employee contract and all uncertified servers and/or servers with certificates older than six months will be TIPS or TAMS trained and Licensee will provide documentation thereof to the Troy Police Department; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Vote on Amendment

Resolution #2004-02-079

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That the Resolution will be **AMENDED** by **INSERTING** “by March 30, 2004” after Troy Police Department.

Yes: All-7

Vote on Amended Resolution

Resolution #2004-02-080

Moved by Stine

Seconded by Howrylak

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: LaShish, Inc. (dba: LaShish)

Address: 3720 Rochester Road

License No.: Class C (100797-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on October 28, 2003; and

WHEREAS, This Licensee had a prior violation dated August 16, 2001 – Sale to Minor (Compliance Test); and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 100797-2002 (Class C) in the name of LaShish, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that Licensee provide their form of an employee contract and all uncertified servers and/or servers with certificates older than six months will be TIPS or TAMS trained and Licensee will provide documentation thereof to the Troy Police Department by March 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

(c) Picano Restaurant, Inc. (dba: Picano's)

Resolution #2004-02-081

Moved by Stine

Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: Picano Restaurant, Inc. (dba: Picano's)
Address: 3775 Rochester Road
License No.: Class C (7024-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on October 29, 2003; and

WHEREAS, This Licensee had a prior violation dated May 3, 2001 – Sale to Minor (Compliance Test); and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 7024-2002 (Class C) in the name of Picano Restaurant, Inc., in the City of Troy, **BE RENEWED** with the **STIPULATION** that the Licensee will implement an employee policy pertaining to sales of alcoholic beverages which will include the provision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older and that all uncertified servers and/or servers with certificates older than six months will be TIPS or TAMS trained, and Licensee will provide documentation thereof of certificates and demonstrate a contract to the Troy Police Department by March 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

(d) Mon Jin Lau, Inc. (dba: Mon Jin Lau)

Vote on Resolution to Postpone

Resolution #2004-02-082
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the Public Hearing for the below Class C City of Troy Licensee be **POSTPONED** until the Regular City Council meeting scheduled for Wednesday, March 3, 2004 at the request of the Licensee:

Name: Mon Jin Lau, Inc. (dba: Mon Jin Lau)
Address: 1515 E. Maple
License No.: Class C (353-2002)

Yes: All-7

(e) Hooter's of Troy, Inc. (dba: Hooter's)

Vote on Resolution to Postpone

Resolution #2004-02-083

Moved by Pryor

Seconded by Lambert

RESOLVED, That the Public Hearing for the below Class C City of Troy Licensee be **POSTPONED** until the Regular City Council meeting scheduled for Wednesday, March 3, 2004:

Name: Hooter's of Troy, Inc. (dba: Hooter's)

Address: 1686 John R

License No.: Class C (1737-2002)

Yes: All-7

(f) Brinker Restaurant Corp., Inc. (dba: Chili's Bar & Grille)

Resolution

Moved by Stine

Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: Brinker Restaurant Corp., Inc. (dba: Chili's Bar & Grille)

Address: 402 W. 14 Mile Road

License No.: Class C (4474-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on June 20, 2003; and

WHEREAS, This Licensee had a prior violation dated November 16, 2000 – Sale to Minor (Compliance Test); and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 4474-2002 (Class C) in the name of Brinker Restaurant Corp., Inc., in the City of Troy, **BE RENEWED** with the **STIPULATION** that all patrons who are served alcohol will continue to be required to provide valid identification providing that person to be 21 years of age or older, all uncertified servers and/or servers with certificates older than six months will be trained by an alcohol awareness program recognized by the Troy Police Department (i.e. TIPS, TAMS), provide documentation that a scanning system has been implemented and Licensee will provide documentation thereof to the Troy Police Department by March 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Vote on Amendment

Resolution #2004-02-084

Moved by Pryor

Seconded by Eisenbacher

RESOLVED, That the Resolution will be **AMENDED** by **INSERTING**, "Licensee will implement an employee policy and provide proof of such policy to the City of Troy Police Department pertaining to sales of alcoholic beverages which will include the provision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older and include language which requires all patrons who are served alcohol to have their identification optically scanned."

Yes: All-7

Vote on Amended Resolution

Resolution #2004-02-085

Moved by Stine

Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: Brinker Restaurant Corp., Inc. (dba: Chili's Bar & Grille)
Address: 402 W. 14 Mile Road
License No.: Class C (4474-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on June 20, 2003; and

WHEREAS, This Licensee had a prior violation dated November 16, 2000 – Sale to Minor (Compliance Test); and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 4474-2002 (Class C) in the name of Brinker Restaurant Corp., Inc., in the City of Troy, **BE RENEWED** with the **STIPULATION** that all patrons who are served alcohol will continue to be required to provide valid identification providing that person to be 21 years of age or older, all uncertified servers and/or servers with certificates older than six months will be trained by an alcohol awareness program recognized by the Troy Police Department (i.e. TIPS, TAMS), Licensee will implement a scanning system and will implement an employee policy and provide proof of such policy to the City of Troy Police Department pertaining to sales of alcoholic beverages which will include the provision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older and include language which requires all patrons who are served alcohol to have their identification optically scanned, and Licensee will provide documentation thereof to the Troy Police Department by March 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

(g) National Coney Island, Inc. (dba: National Coney Island)

Resolution #2004-02-086

Moved by Eisenbacher

Seconded by Stine

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: National Coney Island, Inc. (dba: National Coney Island)
Address: 3364 Rochester Road
License No.: Class C Resort (41187-2002)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on April 23, 2003; and

WHEREAS, This Licensee had no prior violations within the last four years; and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 41187-2002 (Class C) in the name of National Coney Island, Inc., in the City of Troy, **BE RENEWED** with the **STIPULATION** that all uncertified servers and/or servers with certificates older than six months will be TIPS OR TAMS trained, ~~a scanning system will be implemented~~, copies will be provided of each employee's employment contract pertaining to sales of alcoholic beverages ~~which will include the provision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older~~, and Licensee will provide documentation thereof to the Troy Police Department by March 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

(h) Motor City of Troy, Inc. (dba: Motor City Coney Café)

Resolution

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: Motor City of Troy, Inc. (dba: Motor City Coney Café)
Address: 1949 W. Maple
License No.: Class C, Outdoor Service Permit (118796-2003 SS)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on June 20, 2003; and

WHEREAS, This Licensee had no prior violations within the last four years; and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 118796-2003 SS (Class C) in

the name of Motor City of Troy, Inc., in the City of Troy, **BE RENEWED** with the **STIPULATION** that all uncertified servers and/or servers with certificates older than six months will be TIPS OR TAMS trained, all uncertified servers shall discontinue serving alcohol immediately, Licensee will establish an employment contract with each employee pertaining to sales of alcoholic beverages ~~which will include the provision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older~~ and Licensee will provide documentation thereof to the Troy Police Department by March 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Vote on Amendment

Resolution #2004-02-087

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Resolution will be **AMENDED** by **INSERTING**, "Licensee will implement a scanning system and provide documentation thereof to the Troy Police Department by June 30, 2004".

Yes: All-7

Vote on Amended Resolution

Resolution #2004-02-088

Moved by Eisenbacher

Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively; and

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license not be renewed after a Public Hearing on Wednesday, February 18, 2004, for the following licensed establishment:

Name: Motor City of Troy, Inc. (dba: Motor City Coney Café)
Address: 1949 W. Maple
License No.: Class C, Outdoor Service Permit (118796-2003 SS)

and, having found violation for the following codes and/or regulations: SALE TO MINOR (Compliance Test) on June 20, 2003; and

WHEREAS, This Licensee had no prior violations within the last four years; and

WHEREAS, After due notice the Licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 18, 2004;

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is recommended to the Michigan Liquor Control Commission that License Number 118796-2003 SS (Class C) in the name of Motor City of Troy, Inc., in the City of Troy, **BE RENEWED** with the **STIPULATION** that all uncertified servers and/or servers with certificates older than six months will be TIPS OR TAMS trained, all uncertified servers shall discontinue serving alcohol immediately, Licensee will establish an employment contract with each employee pertaining to sales of alcoholic beverages ~~which will include the provision that all patrons who are served alcohol will be required to provide valid identification providing that person to be 21 years of age or older~~ and documentation thereof will be provided to the Troy Police Department by March 30, 2004. Licensee will implement a scanning system and provide documentation thereof to the Troy Police Department by June 30, 2004; and a certified copy of this resolution will be **SENT** to the Michigan Liquor Control Commission.

Yes: All-7

The meeting **ADJOURNED** at 9:49 PM.

Matt Pryor, Mayor

Barbara A. Holmes, CMC – Deputy City Clerk

A Regular Meeting of the Troy City Council was held Monday, February 23, 2004, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:36 P.M.

The Invocation was given by Mr. Jorge Sanchez – The Bahá'i Faith and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

PRESENTATIONS: No presentations proposed.

PUBLIC HEARINGS

C-1 Acceptance of a Local Law Enforcement Block Grant for the Purchase of Web-EOC

Resolution #2004-02-089
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Police Department to receive a grant and expend funds for the purchase of Web-EOC software from ESI Acquisition, Inc., the sole source provider of proprietary software for an estimated \$45,000.00; and

BE IT FURTHER RESOLVED, That the Local Law Enforcement Block Grant is **APPROVED**; the expenditure of matching City funds in the amount of \$2,109.00 is hereby **AUTHORIZED**.

Yes: All-7

C-2 Commercial Vehicle Appeal – 3769 Meadowbrook

Resolution #2004-02-090
Moved by Eisenbacher
Seconded by Lambert

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following conditions, justifying the granting of a variance: B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle; C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle; and D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Mazin Nafsu - 3769 Meadowbrook, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a box truck in a residential district is hereby **APPROVED** for 2 years with the **STIPULATION** that the petitioner will plant three (3) evergreen trees at least 4 feet in height to provide additional screening at the front edge of the driveway.

Yes: Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert, Pryor

No: Stine

MOTION CARRIED

C-3 Parking Variance Request – 1845 Livernois

Resolution #2004-02-091

Moved by Eisenbacher

Seconded by Stine

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances is: That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general condition to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Jay Noonan, Architect, representing Physical Therapy Specialists for waiver of 11 parking spaces at the development at 1845 Livernois Road be **APPROVED**.

Yes: All-7

C-4 Article II (Changes, Amendments and Approvals) Zoning Ordinance Amendments and Repeal of Chapter 40 (ZOTA #203) 3.22

Vote on Postponement

Resolution #2004-02-092

Moved by Howrylak

Seconded by Broomfield

RESOLVED, That Article II (Changes, Amendments and Approvals) Zoning Ordinance Amendments and Repeal of Chapter 40 (ZOTA #203) be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, March 22, 2003.

Yes: All-7

POSTPONED ITEMS

D-1 Appointments to Boards and Committees: Historic District Study Committee

Resolution #2004-02-093

Moved by Lambert

Seconded by Howrylak

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Historic District Study Committee

Appointed by Council (At least 1 member representing Historic District Commission) – Ad Hoc

<u>Charlene Harris</u>	Term expires: Ad Hoc
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<u>Kinda Hupman</u>	Term expires: Ad Hoc
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<u>Paul Chu Lin – Historic District Comm Rep</u>	Term expires: Ad Hoc
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<u>Kevin Lindsey</u>	Term expires: Ad Hoc
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<u>Bob Miller</u>	Term expires: Ad Hoc
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<u>Linda Rivetto</u>	Term expires: Ad Hoc
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<u>Marjorie A. Biglin – Historic District Comm Rep</u>	Term expires: Ad Hoc
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Yes: All-7

**D-2 Reconsidered Standard Purchasing Resolution 3: Exercise Renewal Option –
Printing 2004 Summer/Winter Tax Bills from the Regular City Council Meeting
held on Monday, February 16, 2004**

Resolution #2004-02-094

Moved by Eisenbacher

Seconded by Lambert

WHEREAS, On February 17, 2003, a contract with an option to renew for one additional tax year to provide printing services for the 2003 Summer/Winter Tax Bills was awarded to the low bidder, CDCI/SourceLink (Resolution #2003-02-092); and

WHEREAS, CDCI/SourceLink has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with CDCI/SourceLink to provide printing services for the 2004 Summer/Winter Tax Bills for an estimated cost of \$9,510.00, plus the actual cost of first class postage, under the same prices, terms and conditions, expiring on December 31, 2004.

Yes: All-7

D-3 Standard Purchasing Resolution #1: Bid Award – Mowers and Miscellaneous Equipment Less Trade-Ins

Resolution #2004-02-095

Moved by Lambert

Seconded by Stine

RESOLVED, That a contract to purchase mowers and miscellaneous golf course equipment less trade-ins for Sylvan Glen Golf Course is hereby **AWARDED** to the sole bidder, W.F. Miller Company, for an estimated net total cost of \$47,902.00, at unit prices contained in the bid tabulation opened November 12, 2003; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That bids to purchase Item #3, a self-contained turf sprayer less trade-in of Item #1, the 1991 Toro/Hahn Turf Sprayer are hereby **REJECTED**.

Yes: Stine, Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

No: Pryor

D-4 Standard Purchasing Resolution 3: Option to Renew – Outdoor Lighting Maintenance Contract

Resolution #2004-02-096

Moved by Beltramini

Seconded by Howrylak

WHEREAS, On July 8, 2002, a two-year contract to provide Outdoor Lighting Maintenance with an option to renew for two (2) additional years was awarded to the low bidder, Allied Signs Inc., (Resolution #2002-07-399-E-5); and

WHEREAS, Allied Signs Inc., has agreed to exercise the option to renew the contract for two (2) additional years under the same pricing structure, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Allied Signs Inc., to provide Outdoor Lighting Maintenance for an estimated two-year cost of \$52,350.00, plus 25% of the annual contract total each year for changes in the quantity of work, under the same prices, terms, and conditions, expiring June 30, 2006.

Yes: All-7

PUBLIC COMMENT:

A. Items on the Current Agenda

1. Issue of Long Council Meetings – Advanced by Council Member Broomfield

Council Member Broomfield would like to discuss the issue of increasing efficiency of conducting business at City Council meetings. Specifically, Council Member Broomfield wishes to address the feasibility of ending City Council meetings at 11:00 PM with only one potential extension not to extend past midnight. Further, this extension could only be presented if there is no Closed Session scheduled. Additional components for discussion could include:

- 1) Enforcing the five-minute time limit. Some suggestions might include a second buzzer sounding after an additional minute (a total of six minutes now) has passed. If the speaker continues past the second buzzer, the microphone shuts off.
- 2) Regarding presentations. Only presentations which are scheduled on the agenda are honored. Groups seeking to present to Council on items of interest need to follow proper procedure to secure time.
- 3) Special interest groups. Each special interest group appoints a spokesperson for that group. If the group feels the need to present more than one speaker, additional speakers should not exceed five individuals.
- 4) Items not on the agenda. Individuals responding to this invitation should limit their comments to concerns or inquiries about matters pertaining to the City of Troy. The need to define “matters pertaining to the City of Troy” should be addressed by Council.

B. Items Not on the Current Agenda

CONSENT AGENDA – No Consent Agenda Items submitted.

REGULAR BUSINESS

F-1 Closed Session

Resolution #2004-02-097
Moved by Beltramini
Seconded by Howrylak

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268, Section 8 (a), to continue the Closed Session which originally commenced on Monday, February 9, 2004 and continued on Monday, February 16, 2004, to conduct the personnel evaluation of the City Attorney, after adjournment of this meeting.

Yes: All-7

F-3 2004 Sylvan Glen Rates

Resolution #2004-02-098

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That rates for Sylvan Glen Golf Course be **APPROVED** as proposed, a copy of which shall be **ATTACHED** to the Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the off-peak rates will be **EFFECTIVE** until April 22, 2004; and

BE IT FINALLY RESOLVED, That these rates can be **ADJUSTED** by City Management in order to stay competitive in the market.

Yes: All-7

The meeting **RECESSED** at 9:13 PM.The meeting **RECONVENED** at 9:28 PM.

F-4 Aquatic Center Fee Request and 2002-03 Year End Report

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That 2004 admission rates for the Troy Family Aquatic Center are:

<u>Daily Passes</u>	<u>2004 Fee</u>
Resident	\$ 7.00
Non-Resident Employee	\$ 8.50
Non Resident	\$ 9.75
<u>Season Passes</u>	
Resident	\$ 73.50
Resident Additional Family Member	\$ 42.00
Non-Resident Employee	\$ 89.25
Non-Resident Employee Additional Family Member	\$ 52.50
Non-Resident	\$102.50
Non-Resident Additional Family Member	\$ 59.00
<u>Punch Card Options (Good for 8 admissions)</u>	
Resident	\$ 46.00
Non-Resident Employee	\$ 56.00
Non-Resident	\$ 64.00

Vote on Amendment

Resolution #2004-02-099
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "BE IT FINALLY RESOLVED, That these rates can be **ADJUSTED** by City Management in order to stay competitive in the market."

Yes: All-7

Vote on Amended Resolution

Resolution #2004-02-100
Moved by Beltramini
Seconded by Stine

RESOLVED, That 2004 admission rates for the Troy Family Aquatic Center are:

<u>Daily Passes</u>	<u>2004 Fee</u>
Resident	\$ 7.00
Non-Resident Employee	\$ 8.50
Non Resident	\$ 9.75
<u>Season Passes</u>	
Resident	\$ 73.50
Resident Additional Family Member	\$ 42.00
Non-Resident Employee	\$ 89.25
Non-Resident Employee Additional Family Member	\$ 52.50
Non-Resident	\$102.50
Non-Resident Additional Family Member	\$ 59.00
<u>Punch Card Options (Good for 8 admissions)</u>	
Resident	\$ 46.00
Non-Resident Employee	\$ 56.00
Non-Resident	\$ 64.00

BE IT FINALLY RESOLVED, That these rates can be **ADJUSTED** by City Management in order to stay competitive in the market.

Yes: All-7

F-5 Minutes: Special Meeting of February 16, 2004, and Regular Meetings of February 16, 2004 and February 18, 2004

Resolution #2004-02-101
Moved by Lambert
Seconded by Stine

RESOLVED, That the Minutes of the 6:00 PM Special Meeting of February 16, 2004 be **APPROVED** as **SUBMITTED** and the Minutes of the 7:30 PM Regular Meeting of February 16, 2004 be **APPROVED** as **CORRECTED**.

Yes: All-7

It is the consensus of City Council to **RESUBMIT** the Minutes of the 7:30 PM Regular Meeting of February 18, 2004 at the Regular Meeting of March 1, 2003.

F-6 House Bill 4234

Resolution
Moved by Pryor
Seconded by Lambert

WHEREAS, The House Tax Policy Committee will hear testimony on House Bill 4234, on February 25, 2004; and

WHEREAS, House Bill 4234 proposes to exempt up to the first \$10,000.00 of Taxable Value of all Personal Property parcels statewide; and

WHEREAS, House Bill 4234 would eliminate and estimated \$533,641.50 of taxes from the City of Troy's budget, of which \$246,682.06 would be lost to the City budget, and \$286,959.44 would be lost to the Downtown Development Authority budget; and

WHEREAS, The loss of these revenues will negatively impact the City of Troy's ability to deliver services to its residents; and

WHEREAS, The loss of these revenues will affect the Downtown Development Authority's ability to pay off bonded debt; and

WHEREAS, All taxing authorities in the City of Troy will lose an estimated \$2,659,426.42 as a consequence of this proposed legislation.

BE IT RESOLVED, That the City Council of the City of Troy **PREFERS** that the State replace the revenues that the City of Troy will lose from the cuts from other State funds.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy **URGES** that the House Tax Policy Committee allow House Bill 4234 to be passed forward from the Committee.

BE IT FINALLY RESOLVED, That the City Clerk **FORWARD** a copy of this Resolution to the House Tax Policy Committee Chairman Lorence Wenke, State Senator Shirley Johnson, and State Representative John Pappageorge.

Vote on Amendment

Resolution #2004-02-102
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **INSERTING**, "That the City Council of the City of Troy **SUPPORTS** the passage of House Bill 4234."

Yes: Pryor, Broomfield, Eisenbacher, Howrylak, Lambert
No: Stine, Beltramini

MOTION CARRIED

Vote on Amended Resolution

Resolution #2004-02-103
Moved by Pryor
Seconded by Lambert

WHEREAS, The House Tax Policy Committee will hear testimony on House Bill 4234, on February 25, 2004; and

WHEREAS, House Bill 4234 proposes to exempt up to the first \$10,000.00 of Taxable Value of all Personal Property parcels statewide; and

WHEREAS, House Bill 4234 would eliminate and estimated \$533,641.50 of taxes from the City of Troy's budget, of which \$246,682.06 would be lost to the City budget, and \$286,959.44 would be lost to the Downtown Development Authority budget; and

WHEREAS, The loss of these revenues will negatively impact the City of Troy's ability to deliver services to its residents; and

WHEREAS, The loss of these revenues will affect the Downtown Development Authority's ability to pay off bonded debt; and

WHEREAS, All taxing authorities in the City of Troy will lose an estimated \$2,659,426.42 as a consequence of this proposed legislation.

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **SUPPORTS** the passage of House Bill 4234.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy **PREFERS** that the State replace the revenues that the City of Troy will lose from the cuts from other State funds.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy **URGES** that the House Tax Policy Committee allow House Bill 4234 to be passed forward from the Committee.

BE IT FINALLY RESOLVED, That the City Clerk **FORWARD** a copy of this Resolution to the House Tax Policy Committee Chairman Lorence Wenke, State Senator Shirley Johnson, and State Representative John Pappageorge.

Yes: Pryor, Broomfield, Eisenbacher, Howrylak, Lambert
No: Beltramini, Stine

MOTION CARRIED**COUNCIL COMMENTS/COUNCIL REFERRALS****Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda:**

Appointments to Boards and Committees: Mayoral Appointment: Planning Commission

Resolution #2004-02-104

Moved by Pryor

Seconded by Beltramini

RESOLVED, That Fazlullah Khan is hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Planning Commission for a term scheduled to expire on December 31, 2006.

Yes: All-7

COUNCIL REFERRALS**REPORTS AND COMMUNICATIONS**

G-1 Minutes – Boards and Committees: No minutes submitted.

G-2 Department Reports: No department reports submitted.

G-3 Announcement of Public Hearings: No announcements proposed.

G-4 Green Memorandums:

(a) Ladd's, Inc. 5-Acre Parcel Appraisal – *Item will be resubmitted as a Regular Business Item on the Regular City Council Meeting scheduled for Monday, March 1, 2004*
Noted and Filed

G-5 Proposed Proclamations/Resolutions from Other Organizations: None proposed.

G-6 Calendar

Noted and Filed

G-7 Letters of Appreciation: No letters of appreciation submitted.

G-8 Memorandum, Re: (a) Downtown Development Authority, and (b) City of Troy Downtown Development Authority – Tax Increment Revenues

Noted and Filed

PUBLIC COMMENT

STUDY ITEMS – No Study Items submitted.

The meeting **RECESSED** at 10:07 PM.

The meeting **RECONVENED** at 10:13 PM.

The meeting **ADJOURNED** at 10:45 PM.

Matt Pryor, Mayor

Tonni L. Bartholomew, MMC - City Clerk

**PROCLAMATION
PURCHASING MONTH
MARCH 2004**

WHEREAS, The purchasing and materials management profession has a significant role in the quality, efficiency and profitability of business and government throughout the United States; and

WHEREAS, Professionals in the purchasing and materials management field are employed in the private and public sector in profit and non-profit organizations; and

WHEREAS, In addition to the purchasing of goods and services, the purchasing and materials management professionals engage in, or have direct responsibility for, functions such as executing, implementing and administering contracts, developing forecast and procurement strategies, supervising and/or monitoring the flow and storage of materials; and developing working relationships with suppliers and other departments within organizations; and

WHEREAS, Purchasing professionals make important contributions to assure the efficient use of taxpayer dollars by providing efficient service while maintaining the highest standards; and

WHEREAS, Local, state and federal purchasing professionals are responsible for managing and monitoring billions of dollars worth of goods and services every year which directly influences national and international economics; and

WHEREAS, Purchasing and procurement operations range from departments of one to several thousand employees; and

WHEREAS, The Michigan Public Purchasing Officers Association of the National Institute of Governmental Purchasing and other associations around the globe are sponsoring activities and special events to further educate and inform the general public regarding the role of purchasing;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Troy proclaims March 2004 as Purchasing Month in the City of Troy.

Signed 1st Day of March 2004

February 16, 2004

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Ammunition

RECOMMENDATION

On January 6, 2004, bids were opened for a one-year contract for ammunition with an option to renew for one additional year. City management recommends an award be made to the low bidder, CMP Distributors, Inc. for an estimated annual cost of \$47,517.00, at unit prices contained in the attached bid tabulation dated January 6, 2004.

SUMMARY

The Police Department is in the process of changing to non-leaded ammunition to reduce the risk of contamination. Currently, the State contract does not offer non-leaded ammunition in our required caliber. This necessitates the need for the Police Department to establish a contract with a distributor to purchase ammunition. Ammunition will be ordered throughout the year on an as needed basis.

BUDGET

Funds are available for these purchases in the Troy Police Department Training Budget for Ammunition, Account #322.7740.012.

32 Vendors Notified via MITN System
6 Bid Responses Rec'd

Prepared by: Sergeant Michael Bjork, Training Section Supervisor

Opening Date -- 1-06-04
Date Prepared-- 2/16/04

CITY OF TROY
BID TABULATION
AMMUNITION

ITB-COT 03-38
Pg 1 of 2

VENDOR NAME:

*

CMP DISTRIBUTORS INC

MICHIGAN POLICE EQUIPMENT

MICHIGAN POLICE EQUIPMENT

EST QTY ROUNDS	DESCRIPTION	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL
70,000	Winchester SXT+p+ 127 grain 9mm caliber RA9TA Rds per Case	\$ 82.50	\$ 11,550.00	\$ 87.50	\$ 12,250.00	\$ 87.50	\$ 12,250.00
		500		500		500	
3,600	Federal Ballistic-Clean 12 gauge 00 Buckshot BC132-00 Rds per Case	\$ 170.00	\$ 2,380.00	\$ 185.00	\$ 2,590.00	\$ 185.00	\$ 2,590.00
		250		250		250	
2,500	Federal Tactical - 12 gauge Shotgun LE132-00 Rds per Case	\$ 74.00	\$ 740.00	\$ 85.00	\$ 850.00	\$ 85.00	\$ 850.00
		250		250		250	
131,000	Winchester Super Clean NT 100 grain - 9mm caliber Rds per Case	\$ 90.00	\$ 23,580.00	\$ 99.50	\$ 26,069.00	\$ 185.00	\$ 24,235.00
		500		500		1000	
6,000	Simunition FX marking cartridge 9mm caliber Rds per Case	\$ 442.00	\$ 2,652.00	\$ 448.00	\$ 2,688.00	\$ 448.00	\$ 2,688.00
		1000		1000		1000	
21,000	Simunition CQT cartridge - 9mm caliber Rds per Case	\$ 315.00	\$ 6,615.00	\$ 325.00	\$ 6,825.00	\$ 325.00	\$ 6,825.00
		1000		1000		1000	
ESTIMATED GRAND TOTAL --			* \$ 47,517.00		\$ 51,272.00		\$ 49,438.00

CONTACT INFORMATION:

Hrs of Operation:

9-5, MON-FRI

8:30-5, MON-FRI

24 Hr. Emergency #:

(313) 610-9903

(517) 974-4276

TERMS:

NET 30 DAYS

NET 30

WARRANTY:

1 YEAR MFG DEFECTS

MFG WARRANTY

DELIVERY:

30 DAYS

15-30 DAYS ARO

EXCEPTIONS:

NONE

BLANK

ITEM#4- 131,000 ALTERNATE BID-
FEDERAL BC9NT2, 100 GRAIN JCQT,
STRANDED ZINC CORE, NON TOXIC,
FRANGIBLE AMMUNITION (SAMPLES
CAN BE SUPPLIED IF REQUESTED)

PROPOSAL -

ONE YEAR REQUIREMENTS OF AMMUNITION WITH AN OPTION TO RENEW FOR ONE(1) ADDITIONAL YEAR

ATTEST:

Michael Bjork

Michael Lyczkowski

Cheryl Morrell

Linda Bockstanz

* **DENOTES LOW BIDDER**

Jeanette Bennett

Purchasing Director

Opening Date -- 1-06-04
Date Prepared-- 2/16/04

CITY OF TROY
BID TABULATION
AMMUNITION

ITB-COT 03-38
Pg 2 of 2

VENDOR NAME:

		TJ CONEVERA'S INC		TJ CONEVERA'S INC		TJ CONEVERA'S INC	
				ALTERNATE #1		ALTERNATE #2	
EST QTY ROUNDS	DESCRIPTION	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL
70,000	Winchester SXT+p+ 127 grain 9mm caliber RA9TA Rds per Case	\$ 84.50	\$ 11,830.00	\$ 84.50	\$ 11,830.00	\$ 84.50	\$ 11,830.00
		WINCHESTER RA9TA 500		WINCHESTER RA9TA 500		WINCHESTER RA9TA 500	
3,600	Federal Ballistic-Clean 12 gauge 00 Buckshot BC132-00 Rds per Case	NO BID		NO BID		NO BID	
2,500	Federal Tactical - 12 gauge Shotgun LE132-00 Rds per Case	NO BID		NO BID		NO BID	
131,000	Winchester Super Clean NT 100 grain - 9mm caliber Rds per Case	\$ 117.50	\$ 30,785.00	\$ 127.50	\$ 33,405.00	\$ 255.00	\$ 33,405.00
		WINCHESTER SC9NT 500		WINCHESTER RA9SF 500		ICC GREENLINE 1000	
6,000	Simunition FX marking cartridge 9mm caliber Rds per Case	NO BID		NO BID		NO BID	
21,000	Simunition CQT cartridge - 9mm caliber Rds per Case	NO BID		NO BID		NO BID	
ESTIMATED GRAND TOTAL --			\$ 42,615.00		\$ 45,235.00		\$45,235.00

CONTACT INFORMATION:

Hrs of Operation:

24 Hr. Emergency #:

8-5, MON-FRI

(815) 239-1569

8-5, MON-FRI

(815) 239-1569

8-5, MON-FRI

(815) 239-1569

TERMS:

NET 30 DAYS

NET 30 DAYS

NET 30 DAYS

WARRANTY:

N/A

N/A

N/A

DELIVERY:

30 DAYS ARO

30 DAYS ARO

30 DAYS ARO

EXCEPTIONS:

WINCHESTER SC9NT IS A 105GR

WINCHESTER RA9SF IS A 100GR

ICC GREENLINE AMMUNITION

9MM SUPERCLEAN NT

9MM FRANGIBLE LOAD, TOTALLY

IS A 100GR 9MM FRANGIBLE LOAD,

LEAD-FREE

TOTALLY LEAD-FREE

TOTALLY LEAD-FREE



[Click Here to Return to the MITN Administration Main Menu](#)

Downloading History for ITB-COT 03-38 Ammunition

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 2/16/2004.

Document Title:	Ammunition
Date Issued:	12/9/2003
Close Date:	1/6/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
13440	Advance Glove & Safety Co., Inc.	E-mail		
10942	AL LONG FORD	Free	12/16/2003	
15476	ALL Computer Services	Free	1/5/2004	
10497	ATD-AMERICAN CO	E-mail	12/29/2003	
12707	B & B Pools	Free	12/19/2003	
10927	B & L Landscaping	Fax	12/11/2003	
13638	Blackeagle Data Technologies	Free	1/4/2004	
14039	Broner Glove & Safety	Free	12/23/2003	
14650	cmp distributors inc.	Free	12/16/2003	
11902	copstuffbydk	Free	12/15/2003	
11938	Downriver Refrigeration Supply Co.	E-mail	1/5/2004	
15170	Durst Lumber Co.	Free	12/9/2003	
13516	Genuine Parts Company	E-mail	12/30/2003	
11071	Hamilton Uniforms	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	12/10/2003	
12021	JOHN CARLO, INC.	E-mail	12/10/2003	
12290	Kent Power Inc.	E-mail	1/5/2004	
10172	Metropolitan Uniform	E-mail		
14496				

	Michigan Police Equipment Co.	E-mail	12/22/2003	
12190	New York Police Supply Inc.	E-mail		
15060	Northern Films, Inc.	E-mail	12/23/2003	
12161	Oakland Microfilm Corporation	E-mail	12/23/2003	
13276	OMB Police Supply	E-mail		
13312	Public Safety Communications, LLC	E-mail	12/11/2003	
11323	Royal Arms International	E-mail		
13730	SMART Management Group, LLC	E-mail		
10906	Sound Planning Communications, Inc.	Free	1/5/2004	
10748	Streicher's (Corporate)	E-mail		
13967	Strong Tool	Fax	12/15/2003	
10193	TJ Conevera's, Inc.	Free	1/2/2004	
10818	Triton Electronics	E-mail		
11127	U.S. Cavalry, Inc.	E-mail		

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February 5, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 3: Exercise
Renewal Option – Lawn and Yard Services/Home Chore Program

RECOMMENDATION

On November 18, 2002, City Council approved a contract to provide one-year requirements of Lawn and Yard Services for the Home Chore Program with an option to renew for one additional year to the low bidder, Kathy's Lawn Maintenance (Council Resolution #2002-11-613-E-6). It is recommended that the City accept the offer by Kathy's Lawn Maintenance to renew the contract for an additional year at an estimated cost of \$48,968.00, under the same prices, terms, and conditions to expire April 30, 2005.

DESCRIPTION	PRICE PER SERVICE CALL
<i>PROPOSAL A: LAWN CARE</i>	
For Average Lot Sizes – 60 to 85 ft x 125 ft	\$17.00
Lots over 85 ft x 125 ft or corner lots	\$19.95
<i>PROPOSAL B: YARD CLEAN-UP</i>	
For Average Lot Sizes – 60 to 85 ft x 125 ft	\$75.00
Lots over 85 ft x 125 ft or corner lots	\$99.95

MARKET SURVEY

A favorable market survey was conducted by the Purchasing Department. Economic conditions indicate prices will not decrease for the upcoming season, and could potentially increase depending on gasoline prices. There is also an expected level of service established by the residents. The program services mostly seniors and persons with disabilities. They enjoy a level of comfort if assured the same contractor will return for another season. Therefore, the department concurs with the recommendation to exercise the option to renew for one additional year.

BUDGET

Funds are reimbursed through the Oakland County Community Development Block Grant Program.

Prepared by: Vicki Richardson, Solid Waste Coordinator

February 4, 2004

TO: Susan Leirstein
Purchasing System Administrator

FROM: Linda N. Bockstanz
Associate Buyer



RE: MARKET SURVEY – Lawn Services–Home Chore Program

KDS LANDSCAPE – KEN SCOTT (248) 506-8605

Ken has indicated that prices for Lawn Services/Home Chore will be about the same. He believes at this time there will be no increase or additional charges that he can foresee to add.

DREAM GREEN – CHRISTINE VENSEL (248) 627-4819

According to Christine, Lawn Services/Homes Chore is expected to stay the same. She does not think there will be any changes in pricing.

RAM CONSTRUCTION – RON MAJOR (248) 345-1814

Mr. Major commented that prices are going up next year do to gasoline prices being higher and insurance going up in price. His company will have to accommodate by charging a little more for the work to be done.

KEVINS' LAWN CARE & SNOW REMOVAL, INC. – KEVIN HUTKOWSKI (810) 329-3633

Kevin told me that his company is not servicing this area anymore. He could not help me with my questions.

SIERRA LAWN & LANDSCAPE, INC. – TODD DAIGNAUTT (586) 566-5700

Todd from Sierra Lawn does not think at this time the pricing will change. Only if the gas prices go up in price would be the only factor in a price change with him.

PAYNE LANDSCAPING – JAMES PARKER (313) 995-2767

Mr. Parker said that at this time there would be no change in price. If a change does occur, it will be because of the gasoline price at the pump going up. Prices could be adjusted by a couple of bucks.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for the Home Chore Lawn Services Program with the current vendor based on the fact that costs of lawn services are not expected to drop and may increase depending on the gasoline market.

CC: Jeanette Bennett
File



January 6, 2004

ATT: Mr. Dale Chaltrow
Kathy's Lawn Maintenance
3927 Clutier
Saginaw MI 48601

Dear Mr. Chaltrow:

On November 18, 2002 the City of Troy entered into contract #20200490 OB with Kathy's Lawn Maintenance to provide one-year requirements of Lawn and Yard Services for the Home Chore Program. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please send this letter back indicating if Kathy's Lawn Maintenance wishes to renew this contract until April 30, 2005. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3399.

CHECK ONE:

☒ Kathy's Lawn Maintenance is interested in renewing the contract under the same prices, terms, and conditions:

☐ Kathy's Lawn Maintenance is not interested in renewing the contract:

X Dale Chaltrow
Signed: Authorized Company Representative

Date: Jan 8 2004

Thank you,
Vicki Richardson, Solid Waste Coordinator, City of Troy

Rec'd 1-16-04 -
FAX

Yes: All-7

E-3 City of Troy Proclamations

Resolution #2002-11-613-E-3

RESOLVED, That the following City of Troy Proclamations, be **APPROVED**:

- (a) Proclamation of Recognition – Ryan McAward – Eagle Scout Award
- (b) National Bible Week – November 24 – December 1, 2002
- (c) Christian Heritage Week – November 24, 2002
- (d) Homeless Awareness Week – November 17-23, 2002
- (e) Proclamation on the Grand Opening of Community Media Network's New TV Studio
- (f) National Children's Book Week – November 18-24, 2002

E-4 City of Troy Investment Policy & Establishment of Investment Accounts

Resolution #2002-11-613-E-4

RESOLVED, That the Investment Policy and establishment of Investment Accounts outlined in the memorandum from Assistant City Manager/Finance and Administration, John M. Lamerato dated November 5, 2002 with annual review and approval is hereby **APPROVED** and copies shall be attached to the original Minutes of this meeting.

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder One (1) 3.5 Cubic Yard Front End Loader with Four Wheel Drive – Less Trade-In

Resolution #2002-11-613-E-5

RESOLVED, That a contract to purchase one (1) Front End Loader, less trade-in is hereby **AWARDED** to the lowest acceptable bidder, Wolverine Tractor & Equipment, at unit prices contained in the bid tabulation opened October 22, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated net total cost of \$130,200.00.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Home Chore Lawn and Yard Services

Resolution #2002-11-613-E-6

RESOLVED, That a contract to provide one (1) year requirements of Home Chore Lawn and Yard Services with an option to renew for one additional year is hereby **AWARDED** to the low total bidder, Kathy's Lawn Maintenance, at unit prices contained in the bid tabulation opened October 15, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated cost of \$48,968.00 annually.

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

E-7 Private Agreement for Shady Creek South Condominiums – Project No. 02.925.3

Resolution #2002-11-613-E-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Durant Development Co. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, landscaping and soil erosion on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-8 2002-03 Budget Amendment No. 1

Resolution #2002-11-613-E-8

RESOLVED, That Budget Amendment No. 1 of the 2002-03 budget be **APPROVED** to provide funds for outstanding purchase orders at June 30, 2002, reconcile capital projects in various stages of completion at June 30, 2002 and record bond proceeds for the Section One Golf Course; and

BE IT FURTHER RESOLVED, That a copy of the budget amendment be attached to the original Minutes of this meeting.

E-9 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Emergency/Standby Generator Replacement for City Hall Less Trade-In

Resolution #2002-11-613-E-9

RESOLVED, That a contract to furnish one (1) emergency/standby power generator less trade-in is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Gen Power Products, Inc., at unit prices contained in the bid tabulation opened October 18, 2002 at an estimated net total cost of \$12,810.00, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

November 6, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
William R. Need, Public Works Director

Re: Standard Purchasing Resolution 1: Award To Low Bidder –
Home Chore Lawn and Yard Services

RECOMMENDATION

On October 15, 2002, bid proposals were opened to furnish one-year requirements of lawn and yard services for the Home Chore Program with an option to renew for one additional year. After reviewing the proposals, the Public Works Department recommends awarding the contract to the low total bidder, Kathy's Lawn Maintenance, for an estimated cost of \$48,968.00 annually. The estimate is based on an average of 30-lawn care visits, and 2 yard clean up services per household.

SUMMARY

Item	Estimated Number of units	Description	Price per each service call
Proposal A	50 lots	Lawn care service at an average residential City of Troy home. 60 to 85 feet x 125 feet	\$17.00
	20 lots	Lawn care service at lots over 85 x 125 feet, or corner lots	\$19.95
Proposal B	50 lots	Yard clean up at an average residential City of Troy home. 60 to 85 feet x 125 feet	\$75.00
	20 lots	Yard clean up at lots over 85 x 125 feet, or corner lots	\$99.95

Due to the nature of the work and the comfort of the residents on the program, it is preferred that the contract be awarded to the low total bidder. The majority of the residents on the program are elderly women living alone, and they become apprehensive when strangers begin working on their property. Letters are sent out to the residents before spring clean-up services begin, so that the resident knows the name of the company who will be on their property, and approximately when the services will begin.

Awarding the contract to two different vendors would save \$2,598, but would also mean additional administrative time, supplies, and postage to send additional informational letters to the program participants. It could be difficult to coordinate the work between the two vendors, and it may hold up services if there is a problem with the work of one of the vendors. Also, if damage to a resident's property were to occur, it would be difficult to determine which contractor was liable if the damage was discovered after both contractors had performed services.

Staff attempted to contact the low bidders for yard clean-up services to determine if they would accept the yard clean-up portion of the contract without the lawn-mowing portion. The contractors surveyed stated that they would not be willing to accept a yard clean-up contract without the lawn mowing portion due to financial concerns.

The current bid expires this fall, after the final yard clean-up services have been performed. We do not have a waiting list for this program. The program is publicized several times throughout the year, with the most recent notice being placed in the Summer 2002 addition of Troy Today.

Standard Purchasing Resolution 1: Award To Low Bidder –

Home Chore Lawn and Yard Services

Page 2 of 2

BUDGET

Funds for lawn and yard services for the Home Chore Program are available initially through the Public Works operating budget, then reimbursed by Oakland County through the Community Development Block Grant Program.

97 Bids Sent

7 Bids Received

1 Late Bid

3 No Bids: (1) doesn't handle this service (1) cannot be competitive (1) too busy to respond

Prepared by: Nancy Kuha, Solid Waste Coordinator

Opening Date -- 10/15/02
Date Prepared -- 11/6/02

CITY OF TROY
BID TABULATION
LAWN SERVICES/HOME CHORE PROGRAM

SBP 02-49
Pg 1 of 3

VENDOR NAME:		** KATHY'S LAWN		KDS LANDSCAPE		SIERRA LAWN	
		MAINTENANCE				& LANDSCAPE INC	
EST NO.		Price for Lawn Care	Price for Yard Cleanup	Price for Lawn Care	Price for Yard Cleanup	Price for Lawn Care	Price for Yard Cleanup
50	Lawn Care Services at an Average residential Lots Lawn-Care services at lots over 85 ft x 125 ft	\$ 17.00	\$ 75.00	\$ 20.00	\$ 60.00	\$ 18.00	\$ 70.00
20	Yard Clean up at an Average residential home Lots Year clean up for lots over 85 ft x 125 ft	\$ 19.95	\$ 99.95	\$ 25.00	\$ 75.00	\$ 32.00	\$ 90.00
		\$ 37,470	\$ 11,498	\$ 45,000	\$ 9,000	\$ 46,200	\$ 10,600
ESTIMATED TOTAL:		** \$ 48,968		\$ 54,000		\$ 56,800	
SITE INSPECTIONS: Yes or No Date		NO		YES		YES	
				10/10/02		10/6/02	
BIDDERS QUESTIONNAIRE Yes or No		YES		YES		YES	
INSURANCE: Can Meet Cannot Meet		XX		XX		XX	
PHONE NUMBERS: Daytime 24 Hour		(989) 777-7602		(248) 506-8605		(586) 566-5700	
		(989) 737-4302		(248) 545-5773		(586) 360-6622	
TERMS:		NET 30 DAYS		NET 30		NET 10 DAYS	
EXCEPTIONS:		LISTED IN BID		BLANK		BLANK	

NO BIDS:

Greentrees, Inc
H&D Lawn Maintenance
Maged Contracting

ATTEST:

M Aileen Bittner
Nancy Kuha
Linda Bockstanz

PROPOSAL-- One-Year Requirements of Lawn and Yard Services for the Home Chore Program with an Option to Renew for One Additional Year.

**** DENOTES LOW TOTAL BIDDER**

Jeanette Bennett
Purchasing Director

Opening Date -- 10/15/02
Date Prepared -- 11/6/02

CITY OF TROY
BID TABULATION
LAWN SERVICES/HOME CHORE PROGRAM

SBP 02-49
Pg 2 of 3

VENDOR NAME:		DREAM GREEN	RAM CONSTRUCTION	KEVIN'S LAWN			
			SERVICE LLC	CARE & SNOW			
				REMOVAL INC			
EST NO.		Price for Lawn Care	Price for Yard Cleanup	Price for Lawn Care	Price for Yard Cleanup	Price for Lawn Care	Price for Yard Cleanup
50	Lawn Care Services at an Average residential Lots Lawn-Care services at lots over 85 ft x 125 ft	\$ 21.00	\$ 61.00	\$ 22.00	\$ 55.00	\$ 35.70	\$ 70.00
20	Yard Clean up at an Average residential home Lots Yearnd clean up for lots over 85 ft x 125 ft	\$ 35.00	\$ 96.00	\$ 35.00	\$ 85.00	\$ 30.60	\$ 91.00
		\$ 52,500	\$ 9,940	\$ 54,000	\$ 8,900	\$ 71,910	\$ 10,640
ESTIMATED TOTAL:		\$ 62,440		\$ 62,900		\$ 82,550	
SITE INSPECTIONS: Yes or No		YES		YES		YES	
Date		CURRENT CONTRACTOR		10/10/02		9/30/02	
		FOR SNOW REMOVAL					
BIDDERS QUESTIONNAIRE Yes or No		YES		YES		YES	
INSURANCE: Can Meet		XX		XX		XX	
Cannot Meet							
PHONE NUMBERS: Daytime		(248) 627-4819		(248) 345-1814		(810) 329-3633	
24 Hour		(248) 431-3290		(248) 852-4203		(810) 217-7258	
TERMS:		BLANK		BLANK		NET 25 DAYS	
EXCEPTIONS:		BLANK		BLANK		BLANK	

Opening Date -- 10/15/02
Date Prepared -- 11/6/02

CITY OF TROY
BID TABULATION
LAWN SERVICES/HOME CHORE PROGRAM

SBP 02-49
Pg 3 of 3

VENDOR NAME:		PAYNE				
		LANDSCAPING INC				
EST NO.		Price for Lawn Care	Price for Yard Cleanup	Price for Lawn Care	Price for Yard Cleanup	Price for Lawn Care
50	Lawn Care Services at an Average residential	\$ 29.00	\$ 125.00			
	Lots Lawn-Care services at lots over 85 ft x 125 ft					
20	Yard Clean up at an Average residential home	\$ 39.00	\$ 160.00			
	Lots Yearly clean up for lots over 85 ft x 125 ft					
		\$ 66,900	\$ 18,900			
ESTIMATED TOTAL:		\$ 85,800				
SITE INSPECTIONS:		YES				
Yes or No		BLANK				
Date						
BIDDERS QUESTIONNAIRE		YES				
Yes or No						
INSURANCE:		XX				
Can Meet						
Cannot Meet						
PHONE NUMBERS:		(313) 995-2767				
Daytime		(313) 215-2074				
24 Hour						
TERMS:		14-30 DAYS				
EXCEPTIONS:		N/A				

A T MAINTENANCE
325 MUSKOKA
COMMERCE TWP MI 48382

AMBASSADOR LAWN CUTTING SERVICE
P O BOX 174
CLAWSON MI 48017

ATTN CHRISTIAN DEL BELLO
PREMIER LAWN & SNOW, INC
P O BOX 877
STERLING HEIGHTS MI 48311

B & L LANDSCAPING
21151 MEYERS ROAD
OAK PARK MI 48237-3209

B & P LANDSCAPING
6355 LILLEY RD
CANTON MI 48187-3628

B&D LAWN CARE & SNOW REMOVAL
2308 HORSESHOE DRIVE
WEST BLOOMFIELD MI 48322

BACK TO BASICS LAWN SERVICE
3035 NEWPORT
TROY MI 48084

BRIER HILL CORPORATION
21176 FLEETWOOD
HARPER WOODS MI 48225

BRUCE M SAUNDERS & SONS
47515 RYAN ROAD
SHELBY TOWNSHIP MI 48317

BUSHWACKERS LANDSCAPING
12115 WORMER
REDFORD MI 48239

BUSY BEAVER TREE SERVICE
2043 E PARKWAY AVENUE
BURTON MI 48529

C & H LANDSCAPE
5220 WILLIAMS LAKE ROAD
WATERFORD MI 48329-3556

C EDDY SNOWPLOWING & LAWN MAINTENANCE
P O BOX 99462
TROY MI 48099-9462

CAL FLEMING LANDSCAPING & TREE SERVICE
29725 GROESBECK
ROSEVILLE MI 48066-1980

COMMERCIAL LAWNMOWER
32098 PLYMOUTH ROAD
LIVONIA MI 48150-1489

CURTIS JORGENSEN
735 E LINCOLN
MADISON HEIGHTS MI 48071

D & J LAWN AND SNOW SERVICE
22750 MACOMB INDUSTRIAL DRIVE
CLINTON TWP MI 48036

D & M LANDSCAPING & SNOW REMOVAL
206 E GRAND RIVER STE 504
DETROIT MI 48226

DESIGNED LANDSCAPE
409 E HUDSON
ROYAL OAK MI 48067

DIAMOND LAWN SERVICE
631 MINNESOTA
TROY MI 48083

DINO'S LANDSCAPING
7520 PONTIAC TRAIL
WEST BLOOMFIELD MI 48323

DREAM GREEN
PO BOX 300372
WATERFORD MI 48330

EDWARD BELL
14420 LABELLE
OAK PARK MI 48237

ELITE LANDSCAPE INC
P O BOX 94092
WASHINGTON MI 48094

ENGLISH COUNTRYSIDE LANDSCAPE
49819 SCHOENHERR
SHELBY TOWNSHIP MI 48315

F & J LANDSCAPE COMPANY
926 W WATTLES
TROY MI 48098

FARMINGTON LANDSCAPE SERVICE
P O BOX 363
WALLED LAKE MI 48390

FLORENCE CEMENT COMPANY
1970 BRINSTON
TROY MI 48083

FORSEE'S LAWN SERVICE
23528 JOHN R
HAZEL PARK MI 48030-1409

FOUGNIE PROFESSIONAL LAWN MAINTENANCE
151 BLANCHE
TROY MI 48098

FOXFIRE LANDSCAPE
50857 CARD RD
MACOMB MI 48044-1415

GENE'S LANDSCAPE SERVICE
4101 BARHAM
DETROIT MI 48224

GREAT LAKES LANDSCAPING & CONSTRUCTION
25212 RYAN
WARREN MI 48091-3775

GREATER DETROIT LANDSCAPE SERVICE
21000 FAIRFIELD
WARREN MI 48089

GREENLAWN SERVICES LTD
3424 ROWLAND CT
TROY MI 48083

GREENTREES TREE & LAWN CARE
2614 LEACH
ROCHESTER HILLS MI 48309

GREENVIEW LANDSCAPING
1065 HARTLAND
TROY MI 48083

H & D LAWN MAINTENANCE INC
12044 PREST
DETROIT MI 48227

HDM BRICK & LANDSCAPE LLC
668 E MAPLE
TROY MI 48083

J & S
38145 DEQUINDRE
TROY MI 48083

K & F LAWN MAINTENANCE
226 LOVELL
TROY MI 48085

K B LANDSCAPING
5993 SLATE
TROY MI 48085

KDS LANDSCAPE
156 W MOREHOUSE
HAZEL PARK MI 48030

KEVINS LAWN CARE & SNOW REMOVAL INC
3633 RATTLE RUN ROAD
ST CLAIR MI 48079-4718

KOCH 'KENT (FORMALLY KOCH ENTERPRISES)
P.O. BOX 480517
NEW HAVEN MI 48048-0517

LAWN & TREE ASSOCIATES INC
3600 LAPEER ROAD
PONTIAC MI 48055

LAWN CREW INC
3077 W AUBURN ROAD
ROCHESTER HILLS MI 48309

LAZOEN HAY & FEED INC
P O BOX 3702
CENTER LINE MI 48015

M E G A LAWN MAINTENANCE
26553 DARTMOUTH
MADISON HEIGHTS MI 48071

MAGED CONTRACTING
P O BOX 701421
PLYMOUTH MI 48170

MARSHALL'S LAWN SERVICE
19260 31 MILE ROAD
RAY TOWNSHIP MI 48096

MASTERS GREEN INC
6350 N STERLING DRIVE
STERLING HEIGHTS MI 48312-4552

MCEWEN LANDSCAPING
P O BOX 99696
TROY MI 48099-9696

MCWILLIAMS LANDSCAPING
930 OTTAWA
TROY MI 48085

METRO SWEEP
4557 HIGHLAND RD
WATERFORD MI 48328

MICHIGAN TURF INC
P O BOX 158
TAYLOR MI 48180

MICHIGREEN INC
16171 31 MILE ROAD
ROMEO MI 48096

MILLER W F TURF& INDUSTRIAL EQUIPMENT CO
25125 TRANS-X
P O BOX 605
NOVI MI 48376-0605

MJ&T LAWN CARE AND SNOW REMOVAL
2440 OXFORD
BERKLEY MI 48072

NEWPORT LAWN - ATN: FRANK
3035 NEWPORT COURT
TROY MI 48084

PINNACLE LANDSCAPING INC
1100 N OPDYKE
AUBURN HILLS MI 48326

PIONEER LAWN MAINTENANCE
27577 FAIRFIELD
WARREN MI 48093

PREMIER CUT LANDSCAPING SERVICES INC
1971 SHADY DRIVE
WARREN MI 48092

PRI PAVEMENT RECYCLING INC
70015 POWELL RD
ROMEO MI 48065

PROPERTY MAINTENANCE CONTRACTORS INC
970 N ROCHESTER ROAD
LEONARD MI 48367

R & D TRACTOR SERVICE
2217 ZENIA
TROY MI 48084

R & L LANDSCAPING
30045 NORTHGATE
SOUTHFIELD MI 48076

RAM CONSTRUCTION SERVICES LLC
1846 GRACE
ROCHESTER HILLS MI 48309

RANGER OUTDOOR MAINTENANCE
135 KALHAVEN
ROCHESTER HILLS MI 48307

RASINS LANDSCAPE INC
2271 METAMORA ROAD
OXFORD MI 48371

RAY'S NURSERY AND LANDSCAPE
15577 30 MILE ROAD
RAY MI 48046

RIS CONTRACTORS
1208 SYLVERTIS
WATERFORD MI 48328

RODGES & SONS LANDSCAPING & LAWN SERVICE
517 AUBURN
PONTIAC MI 48342

RP'S LAWN SERVICE
148 CARTER
TROY MI 48098

RUDGATE LANDSCAPING
4502 W CORNWALL
STERLING HEIGHTS MI 48310

S & T LAWN & LANDSCAPE INC
5580 GATEWOOD STE 106
STERLING HEIGHTS MI 48312

SCENESCAPE: KODIAK GROUNDS MAINTENANCE
12776 33 MILE ROAD
ROMEO MI 48065-5438

SEAL METHODS EQUIPMENT INC
10016 ROMANDEL
P O BOX 4341
SANTE FE SPRINGS CA 90670

SIERRA LAWN AND LANDSCAPE INC
5580 GATEWOOD STE 106
STERLING HEIGHTS MI 48312

STEWART LANDSCAPING
6130 ROCHESTER ROAD
TROY MI 48085-1373

SUNRISE CONTRACTING
P O BOX 321171
DETROIT MI 48232-1171

TARR'S TREE SERVICE
2009 MILVERTON
TROY MI 48083

THE DAVEY TREE EXPERT COMPANY
3381 LAPEER ROAD WEST
AUBURN HILLS MI 48326

THE GROUND CREW
1564 MUER STREET
TROY MI 48084

TORRE & BRUGLIO
850 FEATHERSTONE
PONTIAC MI 48342-1723

TRI-MARK LANDSCAPING
1053 HENDRICKSON
CLAWSON MI 48017

TROY LANDSCAPING INC
4837 HEATHERBROOK
TROY MI 48098

U S LAWNS OF TROY
670 ECKFORD DRIVE
TROY MI 48098

WAYSIDE LAWN SERVICE
36235 MORAVIAN
CLINTON TWP MI 48035-1150

WESTLAKE DEVELOPMENT INC
4605 22 MILE ROAD
UTICA MI 48317

WILLIAMS WEED MOWING INC
450 GRANGE HALL ROAD
ORTONVILLE MI 48462

WOLVERINE LAWN MAINTENANCE & LANDSCAPING
P O BOX 877
STERLING HEIGHTS MI 48311

WOOD CONSTRUCTION & MAINTENANCE LLC
1900 SAND BEACH RD
BAD AXE MI 48413

WORRY FREE INC
1035 BADDER
TROY MI 48083

February 12, 2004

TO: John Szerlag, City Manager

FROM: Gary Shripka, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director
Steven Vandette, City Engineer
Mark F. Miller, City Planner
Larysa Figol, Right of Way Representative

SUBJECT: AGENDA ITEM – REQUEST FOR VACATION OF A STORM
SEWER EASEMENT
Sidwell #88-20-28-203-035, Drury Inn

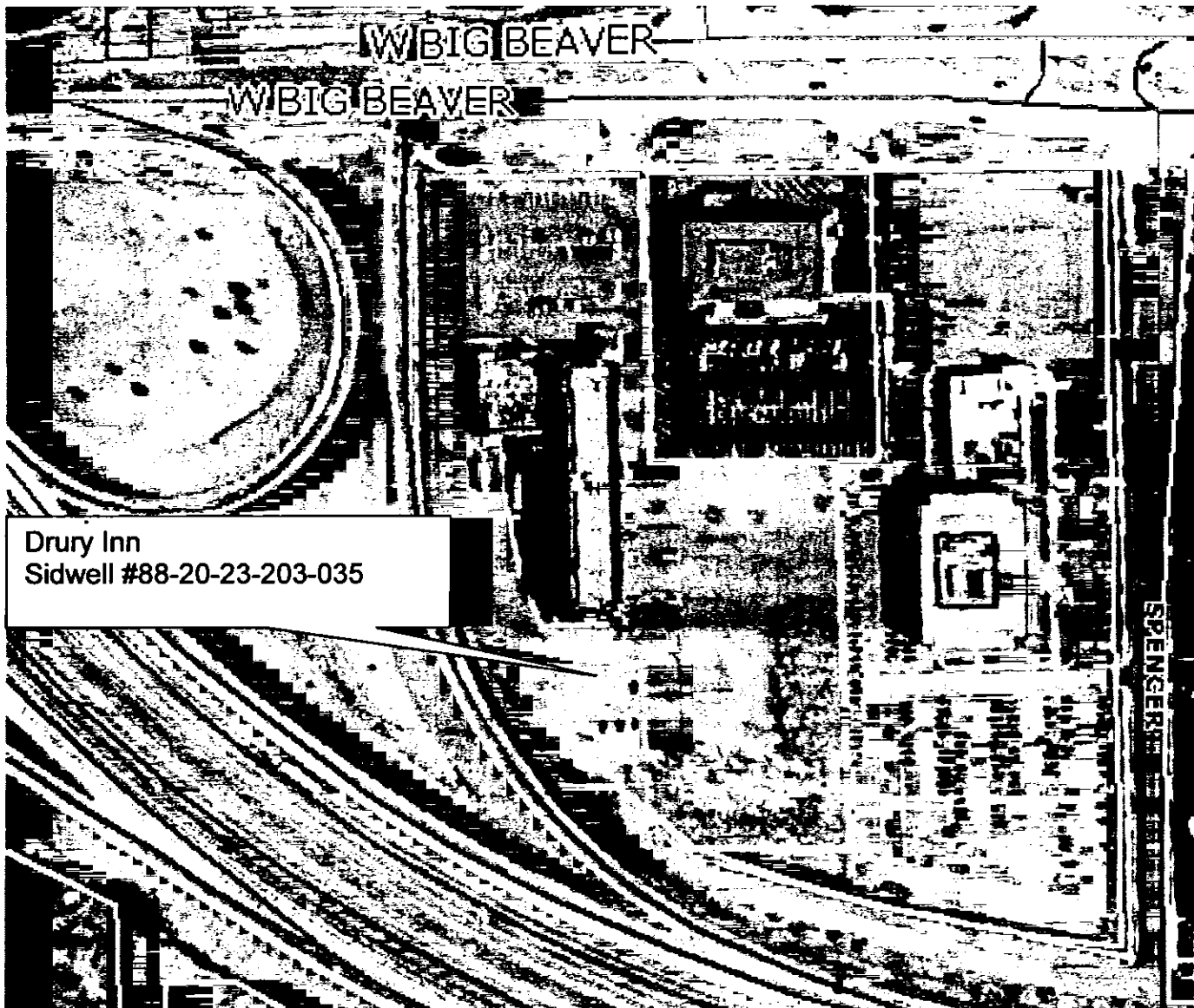
In connection with the building addition to Drury Inn on West Big Beaver, at the property located in the Northeast ¼ of Section 28, the Real Estate & Development Department has received a request to vacate an unused storm sewer easement as recorded in Liber 8668, Page 618 with Oakland County Register of Deeds.

The property owner is asking for a vacation to clear their title of this easement. Management recommends that City Council vacate the attached easement.

DRURY INN
SIDWELL #88-20-28-203-035



DRURY INN
SIDWELL #88-20-28-203-035



Drury Inn
Sidwell #88-20-23-203-035

KNOW ALL MEN BY THESE PRESENTS, That Drury Inn - Troy,A Michigan Partnership

whose address is

200 Farrar, P.O. Box 910, Cape Girardeau, Missouri 63701

party of the first part, for and in consideration of the sum of One Dollar (\$1.00)

paid to Dennis Vollink

by the CITY OF TROY, a Michigan Municipal Corporation, party of the second part, whose address is 500 West Big Beaver Road, Troy, Michigan, do hereby grant to the said party of the second part the right to construct, operate, maintain, repair and/or replace a Storm Drain within an easement across and through the following described land situated in the City of Troy, to-wit:

Said easement is described as: See Attached Easement Description

and to enter upon sufficient land adjacent to said Storm Drain for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the party of the second part.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signatures this 26th day of May A.D. 1983

In presence of:
WITNESS

ANTONIO P. PEREZ
Betsy TATMAN
BETSY TATMAN

Drury Inns Inc., General Partner (L.S.)
Dennis Vollink (L.S.)
Dennis Vollink, Vice Pres. (L.S.)

STATE OF MICHIGAN)
COUNTY OF OAKLAND

On this 26th day of May A.D. 1983
before me personally appeared Dennis Vollink

to me personally known, who being
by name sworn, did each for himself say that they are respectively the
Vice President of Drury Inns, Inc., General Partner of Drury Inn - Troy

A Michigan Partnership

Corporation names in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said Corporation and that said instrument was signed and sealed on behalf of Drury Inns, Inc.
acknowledge said instrument to be the free act and deed of said Corporation.

PREPARED BY: James Fraus
Nowak & Fraus
1310 N. Stephenson Highway
Royal Oak, MI 48067

Harold A. Nowak
Notary Public, Oakland County, Michigan
My Commission Expires 6-8-86

RETURN TO: TRYOI
City Clerk, City of Troy
500 W. Big Beaver
2 Troy, MI 48064
(Corporations)

HAROLD A. NOWAK
Notary Public, Oakland County, MI
My Commission Expires June 8, 1986

DRURY INN
TROY, MICHIGAN

STORM DRAIN EASEMENT:

A twelve (12) foot easement whose centerline is described as beginning at a point distant N. 02° 53' 44" W. 26.00 feet and S. 87° 06' 16" W. 6.00 feet from the S.W. corner of Lot 102 of "Beaver Park Subdivision" of West part of N.E. ¼ of Section 28, T.2N., R.11E., City of Troy, Oakland County, Michigan, according to the plat thereof as recorded in Liber 28, Page 29 of the Oakland County Records; thence S. 02° 53' 44" E. 68.00 feet; thence S. 74° 37' 38" E. 95.00 feet; thence S. 02° 53' 44" E. 255.00 feet; thence S. 47° 53' 44" E. 56.56 feet; thence S. 20° 38' 12" W. 68.00 feet to the point of ending.

28029

Job No. 81-4753
Date: 5-24-83

Beaver Park Subdiv. 96-101 Beaver Park Subdiv.

20-28-203-030 Lot 101
-035 lots 96-101

January 19, 2004

Larysa Figol
City of Troy
500 W. Big Beaver
Troy, MI 48084

Re: Drury Inn, 535 Big Beaver Road – Vacation of Easement

Dear Ms. Figol:

As you are aware, this firm represents Drury Inn in connection with the request for the vacation of the easement on the above-referenced property. Attached for your convenience is a copy of the depiction of the easement to be vacated and the legal description of the property and the easement.

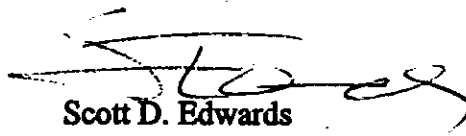
This letter will confirm that we are only seeking to vacate the attached easement and are not seeking a new easement agreement or recording of the easement with the City of Troy.

Therefore, please proceed with the approval process for vacation of the enclosed easement.

If you have any questions or require additional information, please feel free to contact me.

Very truly yours,

PLUNKETT & COONEY, P.C.



Scott D. Edwards
Direct Dial: (248) 901-4045
E-Mail: sedwards@plunkettcooney.com

cc: Lori Grigg-Bluhm
Joe Pereles

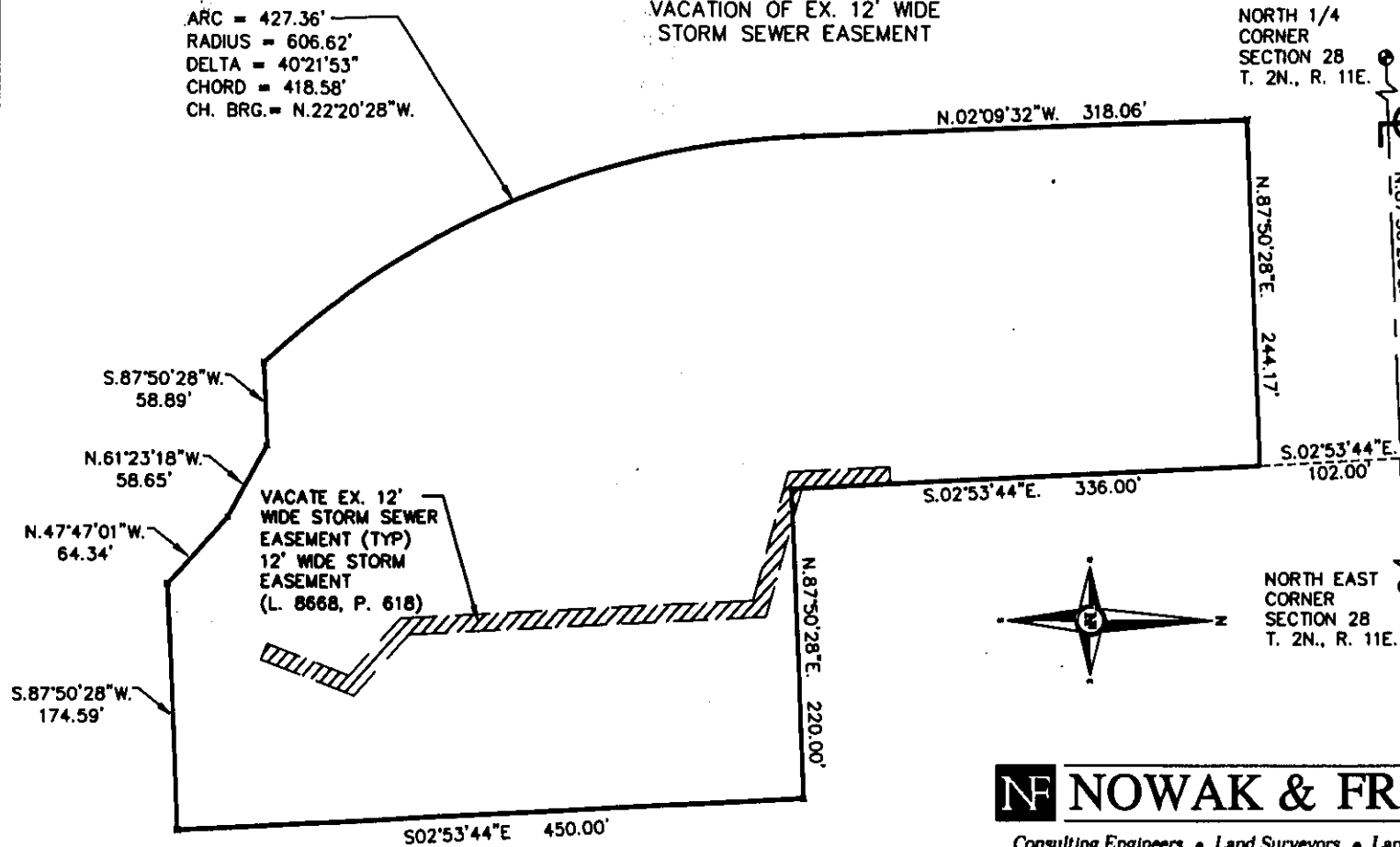
Bloomfield.10560.20141.528269-1

Exhibit A

VACATION OF EX. 12' WIDE
STORM SEWER EASEMENT

NORTH 1/4
CORNER
SECTION 28
T. 2N., R. 11E.

Big Beaver Road
(204' wide)



Drury Inn
575 Big Beaver Road
Troy, Michigan

NF NOWAK & FRAUS


Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	11-26-03	RJJ	3-4753-01	1 of 2

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Gary Mayer, Police Captain 
Thomas Gordon, Police Sergeant 

SUBJECT: Agenda Item - Application for new Specially Designated Distributor - Specially Designated Merchant (SDD/SDM) license by **Han Mi Oriental Mart, Inc.**

HAN MI ORIENTAL MART, INC., requests a New Specially Designated Distributor - New Specially Designated Merchant License located at 5060 Rochester Rd, Troy, MI, 48085, Oakland County. [MLCC REQ ID# 235659]

At its February 9th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was Mr. James Simasko, Attorney for Han Mi Market, shareholders Hyun Bang and Soo Hee Bang, and their son, Jason. They indicated server training is planned, and that this will be a family run store.

Han Mi has been in Troy for nearly 13 years, and has recently been expanded to 4,275 square feet. Their intent is to supplement their specialty Korean foods with select liquors, wine, and beer that have been requested by their customers. The Committee approved this request.

The police department's background investigation of the shareholders revealed no liquor violations or criminal activity. Consequently, we have no objection to this request.

Request from: HAN MI ORIENTAL MART, INC. (a) for a new Specially Designated Distributor (SDD)- Specially Designated Merchant (SDM) license, located at 5060 Rochester, Troy, MI 48085, Oakland County. [MLCC REQ ID#235659]; (b) Approval of Agreement

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item __

(a) New Licenses

Suggested Resolution
Resolution #2004-

Moved by
Seconded by

RESOLVED, that the request from HAN MI ORIENTAL MART, INC., for a new Specially Designated Distributor (SDD) - Specially Designated Merchant (SDM) license, located at 5060 Rochester, Troy, MI 48085, Oakland County. [MLCC REQ ID#235659], be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes:
No:

(b) Agreement

Suggested Resolution
Resolution #2004-

Moved by
Seconded by

WHEREAS, the City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby approves an agreement with HAN MI ORIENTAL MART, INC., which shall become effective upon approval of the request for a **new** Specially Designated Distributor (SDD) - Specially Designated Merchant (SDM) license, located at 5060 Rochester, Troy; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original minutes of this meeting.

Yes:
No:

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services
MICHIGAN LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

Donley
12/9/03

RID: 235659

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**

HAN MI ORIENTAL MART, INC.
5060 Rochester, Troy Michigan, 48085, Oakland County

REQUEST FOR: A New Specially Designated Merchant License

Section 1. APPLICANT INFORMATION

APPLICANT #1: HYUN BAE BANG	APPLICANT #2: SOO HEE BANG
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 2931 Rivervalley Drive Troy, Michigan 48098 H.P.(248)952-5353 B.P.(248)528-0022	HOME ADDRESS AND AREA CODE/PHONE NUMBER: SAME
DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the proposed location satisfactory for this business?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Should the Commission grant this request?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)	

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services
MICHIGAN LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

RID: 235657

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**

HAN MI ORIENTAL MART, INC.
5060 Rochester, Troy Michigan, 48085, Oakland County

REQUEST FOR: A New Specially Designated Distributor License, to be held in conjunction with Proposed New Specially Designated Merchant License (R.I.D.#235659)

Section 1.

APPLICANT INFORMATION

APPLICANT #1:
HYUN BAE BANG

APPLICANT #2:
SOO HEE BANG

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
2931 Rivervalley Drive
Troy, Michigan 48098
H.P.(248)952-5353 B.P.(248)528-0022

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
SAME

DATE OF BIRTH:
If the applicant is not a U.S. Citizen:

- ☐ Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No
- ☐ Does the applicant have a Visa? Enter status:

DATE OF BIRTH:
If the applicant is not a U.S. Citizen:

- ☐ Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No
- ☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: PRINTED UNDER R.I.D.#235659

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.

Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3.

Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200__, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and HAN MI ORIENTAL MART, INC. whose address is 5060 Rochester, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a new Specially Designated Distributor-Specially Designated Merchant licensed business located at 5060 Rochester, Troy, by HAN MI ORIENTAL MART, INC.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Hyun Bae

Soo Hee Bang

HAN MI ORIENTAL MART, INC.

Witnesses:

Subscribed and sworn to before me
this ____ day of _____, 200__

Notary Public, _____
County, _____
My commission expires:

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this ____ day of _____, 200__

Notary Public, Oakland
County, Michigan
My commission expires:

A regular meeting of the Liquor Advisory Committee was held on Monday, February 9, 2004 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
Anita Elenbaum
W. Stan Godlewski
James C. Moseley
Emily Polet, Student Representative
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: James R. Peard

Resolution to Excuse Committee Member Peard

Resolution #LC2004-02-003
Moved by Allemon
Seconded by Elenbaum

RESOLVED, that the absence of Committee member Peard at the Liquor Advisory Committee meeting of February 9, 2004 BE EXCUSED.

Yes: All-6
No: None
Absent: Peard

Resolution to Approve Minutes of January 12, 2004 Meeting

Resolution #LC2004-02-004
Moved by Allemon
Seconded by Ehlert

RESOLVED, that the Minutes of the January 12, 2004 meeting of the Liquor Advisory Committee be approved.

Yes: All-6
No: None
Absent: Peard

Agenda Items:

1. **7-ELEVEN, INC. (A TEXAS CORPORATION)**, requests to **drop** Nisar A. Siddiqui as co-licensee on 2003 **SDM** licensed business, 2891 Crooks, Troy, MI 48084 in Oakland County, and **add** Nazish, Inc. as co-licensee. [MLCC REQ ID# 231697]

Present to answer questions from the Committee was Nisar Siddiqui. This is merely a change of name to include his wife who is now part of his corporation. His wife has always been involved in the operation of his business.

Resolution #LC2004-02-005
Moved by Allemon
Seconded by Moseley

RESOLVED, that 7-ELEVEN, INC. be allowed to drop Nisar A. Siddiqui as co-licensee on 2003 SDM licensed business, 2891 Crooks, Troy, MI 48084 in Oakland County, and add Nazish, Inc. as co-licensee.

Yes: All-6
No: None
Absent: Peard

2. **HAN MI ORIENTAL MART, INC.**, requests a New Specially Designated Distributor - New Specially Designated Merchant License located at 5060 Rochester Rd, Troy, MI, 48085, Oakland County. [MLCC REQ ID# 235659]

Present to answer questions from the Committee were James Simasko, Jason Bang, Hyun Bang, and Soo Hee Bang. Acting as spokesman for the Bang family, Mr. Simasko informed the Committee that Han Mi Oriental Mart, a family-owned and operated Korean specialty store, has been in Troy for nearly 13 years and they recently expanded their store to 4,275 square feet. The family is very active in the community. Mr. Jason Bang stated that they frequently receive requests from their customers for specialty liquor, wine, and beer. The store is configured to shelve the liquor behind the sales counter. The family members are the only employees that act as salespeople and they will attend TIPS/TAMS training. The hours of operation of the store are

Tuesday through Saturday from 10:00 a.m. to 9:00 p.m. and Sunday from 10:00 a.m. to 7:00 p.m. The store is closed on Monday.

Resolution #LC2004-02-006

Moved by Allemon

Seconded by Ehlert

RESOLVED, that HAN MI ORIENTAL MART, INC., located at 5060 Rochester Rd, Troy, MI, 48085, Oakland County, be granted New Specially Designated Distributor - New Specially Designated Merchant License. [MLCC REQ ID# 235659]

Yes: Allemon, Bennett, Ehlert, Elenbaum, Godlewski

No: Moseley

Absent: Peard

Carolyn Glosby, assistant City Attorney, informed the Committee that there are two dates scheduled for due process Hearings on liquor violations. These dates are Wednesday, February 18, 2004 and Wednesday, March 3, 2004.

Sgt. Gordon discussed Informational Items from the Agenda.

1. AMERICAN POLISH CULTURAL CENTER, requests to Add Space and Two (2) New Additional bar Permits (for a total of 3 Bars) in a 2003 12 Months Resort Class C licensed business with Dance-Entertainment Permit located at 2975 E. Maple, Troy, MI, Oakland County. [MLCC REQ ID# 220326]

Final inspection approvals obtained from the Building Department.

2. SUPER STEAK BUFFET, INC. requests a new full year (quota) Class C license with Sunday Sales and Official Permit (Food) to be located at 336 John R, Troy, MI 48083, Oakland County.

No new information on this item.

3. PIDGEON RIVER IMPORTS, LLC, requests a new Outstate Seller of Wine license, to be located at 3250 W. Big Beaver Rd., Troy, MI 48084, Oakland County. [MLCC REQ ID #232608] *Office use only, no storage of alcoholic beverages on site*

No new information on this item.

4. CHEVY'S INC. (A CALIFORNIA CORPORATION), DBA RIO BRAVO, located at 2085 W. Big Beaver Rd., has requested that its 2003 Class C license be placed into escrow. [MLCC REQ ID# 233140]

An Italian restaurant will most likely open at this location.

5. KNIGHTS OF COLUMBUS, ST. JOSEPH CHALDEAN COUNCIL NO. 9154, requests to transfer location (governmental unit) of 2003 Club licensed business from 35220 Mound, Sterling Heights, MI 48310, Macomb County, to 36949 Dequindre, Troy, MI 48084, Oakland County. [MLCC REQ ID# 233780] *Current site of Asia Mart market*

The transfer location does not have the proper zoning that would be required. Also, it has been determined that the Knights of Columbus are applying in conjunction with a former applicant that had been denied.

The Flemings Steak House will open in the future at 3001 West Big Beaver and make application for a quota license.

The meeting adjourned at 7:29 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Clerk-Typist

- (3) "Professional account" means an account established for a person by a class C licensee or tavern licensee whose major business is the sale of food, by which the licensee extends credit to the person for not more than 30 days.
- (4) "Residence" means the premises in which a person resides permanently.
- (5) "Retailer" means a person licensed by the commission who sells to the consumer in accordance with rules promulgated by the commission.
- (6) "Sacramental wine" means wine containing not more than 24% of alcohol by volume which is used for sacramental purposes.
- (7) "Sale" includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor. In the case of a sale in which a shipment or delivery of alcoholic liquor is made by a common or other carrier, the sale of the alcoholic liquor is considered to be made in the county within which the delivery of the alcoholic liquor is made by that carrier to the consignee or his or her agent or employee, and venue for the prosecution for that sale may be in the county or city where the seller resides or from which the shipment is made or at the place of delivery.
- (8) "School" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, when that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school.
- (9) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year.
- (10) "Special license" means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.
- (11) "Specially designated distributor" means a person engaged in an established business licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.
- (12) "Specially designated merchant" means a person to whom the commission grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.
- (13) "Spirits" means a beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.
- (14) "State liquor store" means a store established by the commission under this act for the sale of spirits in the original package for consumption off the premises.
- (15) "Supplier of spirits" means a vendor of spirits, a manufacturer of spirits, or a primary source of supply.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1113 Definitions; T to W.

- Sec. 113. (1) "Tavern" means any place licensed to sell at retail beer and wine for consumption on the premises only.
- (2) "Vehicle" means any means of transportation by land, by water, or by air.
- (3) "Vendor" means a person licensed by the commission to sell alcoholic liquor.
- (4) "Vendor of spirits" means a person selling spirits to the commission.

- (3) "Professional account" means an account established for a person by a class C licensee or tavern licensee whose major business is the sale of food, by which the licensee extends credit to the person for not more than 30 days.
- (4) "Residence" means the premises in which a person resides permanently.
- (5) "Retailer" means a person licensed by the commission who sells to the consumer in accordance with rules promulgated by the commission.
- (6) "Sacramental wine" means wine containing not more than 24% of alcohol by volume which is used for sacramental purposes.
- (7) "Sale" includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor. In the case of a sale in which a shipment or delivery of alcoholic liquor is made by a common or other carrier, the sale of the alcoholic liquor is considered to be made in the county within which the delivery of the alcoholic liquor is made by that carrier to the consignee or his or her agent or employee, and venue for the prosecution for that sale may be in the county or city where the seller resides or from which the shipment is made or at the place of delivery.
- (8) "School" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, when that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school.
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 - (3) "Vendor" means a person licensed by the commission to sell alcoholic liquor.
 - (4) "Vendor of spirits" means a person selling spirits to the commission.

February 13, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Timothy Richnak, Public Works Director

TR mp

SUBJECT: Agenda Item - Summer Maintenance Contract - R.C.O.C.

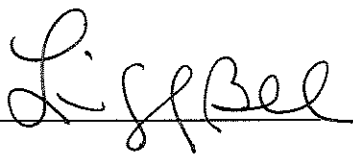
In February of 1998 the City of Troy and the Road Commission for Oakland County entered into a Summer Maintenance Contract to have the City sweep Big Beaver Road. The following year after a satisfactory performance evaluation, both parties agreed to enter into a summer maintenance contract to have the City take over street sweeping operations of all county roads in the City of Troy.

This process has continued to result in uniformity in the street sweeping citywide. The Road Commission will pay us the same amount as they would have paid their contractor for the calendar year 2004, which represents an increase of 12.5% over 2003, from \$104.00 to \$117.00 per curb mile, for a grand total increase from \$29,968.64 to \$33,714.72. This figure will cover our costs in providing the service as delineated in the agreement.

It is my recommendation that we approve this contract.

cc: Tonni Bartholomew, City Clerk
(Original Contract and copy)

Reviewed as to form and legality:



Prepared by: Timothy Richnak Public Works Director/Ann Tyrrell, Office Coordinator



QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Richard G. Skarritt
Chairman

Rudy D. Lozano
Vice-Chairman

Larry P. Crake
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

**Highway Maintenance
Department**

2420 Pontiac Lk. Rd.
Waterford, MI
48328

248-858-4881

FAX
248-858-7607

TDD
248-858-8005

www.rcocweb.org

December 17, 2003

Mr. Tim Richnak
Director of Public Works
City of Troy
500 West Big Beaver Road
Troy, MI 48084

RE: 2004 Summer Maintenance Agreement

Dear Mr. Richnak:

Attached are two copies of a Summer Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for sweeping on certain roads in the City of Troy (see Exhibit A).

If the agreement is satisfactory, please attach certified copies of the resolution of approval by your City Council, and return the two signed copies to this office for approval by the Board of Road Commissioners. One fully signed copy will be returned to you.

Please submit your proof of liability insurance that covers this agreement and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. As your current Certificate of Membership in the Michigan Municipal Workers Compensation Fund expires in June, I would appreciate it if you would forward a new certificate at that time. If there are any changes in the coverage during the term of this agreement, we must be notified of these changes.

The Board of Road Commissioners and I want to extend our appreciation to you, the City Council and your road employees, for the fine work that has been done in connection with past contracts, and we want to continue to cooperate with you in any way we can.

Sincerely,



Thomas H. Meszler, P.E.
Director of Highway Maintenance

/mm

Attachment

SUMMER MAINTENANCE AGREEMENT

CITY OF TROY

This Agreement made and entered this _____ day of _____, 2004, between the Board of County Road Commissioners of the County of Oakland, hereinafter referred to as the "Board," and the City of Troy, hereinafter referred to as the "City."

WHEREAS, certain county primary roads, being a part of the Oakland County primary road system, in accordance with the provisions of 1951 PA 51, as amended, are located within or adjacent to the City; and

WHEREAS, the parties hereto wish to enter into a written contract providing for certain maintenance by the City of certain county primary roads within the City, as more fully described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the City hereby agrees to be responsible for certain maintenance of said roads under the terms of this Agreement and the Board agrees to participate in the cost thereof as provided in Section II of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual undertaking of the parties hereto, it is mutually understood and agreed as follows:

I

As used herein, the terms "Maintenance" and "Maintain" shall be construed to include only those items of work and service specifically itemized in exhibit B, as attached hereto and made a part thereof. All Maintenance work performed by the City shall be in accordance with the Board's minimum maintenance standards.

II

In consideration of the assumption of said Maintenance by the City, the Board agrees to pay to the City, the sum of \$33,714.72.

III

The City shall keep accurate and uniform records of all Maintenance work performed pursuant to this Agreement. The Board shall have the right to audit City accounts and records insofar as such documents concern this Agreement.

IV

The Board has determined and specified the equipment and personnel necessary to provide the Maintenance and the City has acquired the necessary equipment and personnel so specified. The City shall sweep the roads a minimum of four (4) times under this Agreement.

V

It is specifically understood and agreed by the City and the Board that by undertaking to perform Maintenance of certain county primary roads, the City does not assume the Board's legal duty to keep said roads in such condition as to be in accordance with MCLA 224.21, reasonably safe and convenient for public travel, other than as may relate to the work/service performed as listed in Exhibit B, and the City hereby further agrees to hold harmless, represent, defend and indemnify the Board, its officials and employees from any and all claims and suits that may be made, filed, or instituted against the Board and its employees arising out of the City's performance or non-performance of the activities listed in Exhibit B, which are the subject matter of this Agreement.

The Board agrees that it will do nothing to prejudice the City in this regard. The City shall not be responsible hereunder for the maintenance of items not included in the work/services set forth in Exhibits A & B.

VI

The City acknowledges that it has provided, and will provide during the term of this Agreement, automobile and general liability insurance coverage, in the amount of \$2,000,000 single limit, Bodily Injury and Property Damage, covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement, as well as statutory Workers' Compensation Insurance. Coverage shall be in accordance with the requirements set forth in Exhibit C, attached hereto and made a part of hereof.

The City shall not cancel, reduce, or non-renew the coverage of any insurance required by this section without 30 days prior written notice to the Board. All insurance provided in accordance with this section shall include an endorsement whereby the insurer shall agree to notify the Board immediately of non-renewal or any reduction or cancellation of any coverage.

A copy of the Certificate of Insurance is attached hereto, made a part hereof, and marked Exhibit D.

VII

The City further agrees to comply with all relevant laws of the State of Michigan for safeguarding the air and waters of the State. The City will be responsible for the proper disposal of the solid waste and other debris related to the Maintenance and the costs associated therewith.

VIII

In accordance with 1976 PA 453, as amended, and 1976 PA 220, as amended, the City covenants not to discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, marital status or because of a handicap that is unrelated to the individual's ability to perform the duties of the particular job or position and to require a similar covenant on the part of any subcontractor employed in the performance of the Agreement.

IX

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Maintenance activities will be executed annually by the parties hereto.

The terms and conditions of this Agreement shall become effective on April 1, 2004 and shall continue in full force and effect until a subsequent summer maintenance agreement has been executed by the parties hereto or until this Agreement is terminated, as set forth below.

In the event that a subsequent summer maintenance agreement has not been executed by the parties hereto, on or before April 1, 2005, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty (30) days prior to the date of termination.

This Agreement is executed by the Board at its regular meeting of _____, and by the City by authority of a resolution of its governing body, adopted _____, (Copy attached as Exhibit E).

Witnesses:

CITY OF TROY
A Municipal Corporation

By:_____

Its:_____

By:_____

Its:_____

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND,
A Public Body Corporate

By:_____

Its:_____

By:_____

Its:_____

CITY OF TROY

EXHIBIT A

PRIMARY ROADS TO BE MAINTAINED

1.	Maple Road from Coolidge to Dequindre	9.97 Miles
2.	Big Beaver from Adams to Dequindre	21.96 Miles
3.	Long Lake from Adams to Dequindre	7.2 Miles
4.	South Boulevard from Adams to Dequindre	.48 Miles
5.	Crooks Road from Elmwood to South Boulevard	13.65 Miles
6.	Livernois from Maple to South Boulevard	4.35 Miles
7.	John R from 14 Mile to South Boulevard	5.05 Miles
8.	Dequindre from South Boulevard to 14 Mile	7.75 Miles
9.	Adams from South Boulevard to South of Big Beaver	<u>1.63</u> Miles

Total 72.04 Miles

72.04 Miles X Frequency (4) X \$117.00/curb mile = \$33,714.72

CITY OF TROY

EXHIBIT B

WORK/SERVICE TO BE PERFORMED:

1. Sweep all roads listed in Exhibit A, both directions of travel and around islands, where applicable.

EXHIBIT C

LIABILITY AND INSURANCE REQUIREMENTS

The Consultant, prior to beginning work, shall file with the Road Commission for Oakland County copies of completed certificates of insurance, as evidence that he carries adequate insurance, satisfactory to the ROAD COMMISSION. Insurance coverage shall be provided in accordance with the following:

- a. Worker's Compensation Insurance – To provide protection for the Consultant's employees, to the statutory limits of the State of Michigan, and \$100,000 employer's liability. The indemnification obligation under this section, shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the consultant under worker's disability compensation coverage established by law.
- b. Bodily Injury and Property Damage – To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operation for one year, after completion of the work.

1. Bodily Injury and Property Damage Other Than Automobile (Comprehensive General Liability including contractual liability coverage) – The minimum limits of property damage and bodily injury liability covering each contract shall be:

Single Limit: Bodily Injury and Property Damage Liability:

Each Occurrence:	\$2,000,000
Aggregate:	\$2,000,000

2. Bodily Injury Liability and Property Damage Automobiles (Comprehensive Auto Liability) – The minimum limits of bodily injury liability and property damage liability shall be:

Single Limit; Bodily Injury and Property Damage Liability:

Each Occurrence	\$2,000,000
-----------------	-------------

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Professional Liability (Errors and Omissions) – To afford professional liability protection against all claims arising out of the work. The minimum limits of professional liability shall be \$2,000,000. However, policies are subject to review by the Road Commission prior to beginning work.
- d. Excess and Umbrella Insurance – The consultant may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.

- e. Notice – The Consultant shall not cancel, reduce, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance must include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the Consultant. The Consultant shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the Consultant cannot secure the required insurance within 30 days, the Board reserves its right to terminate the contract.
- f. Reports – The Consultant or his insurance carrier shall report all claims received, claims investigations made and disposition of claims to the County Highway Engineer.

RISK

Michigan Municipal
MANAGEMENT
AUTHORITY

CERTIFICATE OF COVERAGE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder except to the extent shown below. This certificate does not amend, extend or alter the coverage contained in the Authority's Joint Powers Agreement and coverage attachments thereto.

This is to certify that a Self-Insured Program has been undertaken by the member listed below through the Authority pursuant to Act 138 P.A. 1982.

The coverage provided by the Authority is as follows:

1. Liability coverage for general liability, automobile (including Michigan no-fault) law enforcement and public officials liability; in the sum of \$15,000,000 each occurrence inclusive of loss adjustment and defense costs.
2. Property Coverage including loss to real & personal property, to amounts stipulated in coverage documents and overview for this member.
3. Motor Vehicle Physical Damage Coverage for the vehicles stipulated in the Coverage Document.
4. ☐ Information only
5. ☐ The entity named below is included in the scope of protection as additional insured and loss payee, only as respects claims arising from the purchase or lease of vehicles or other property. Losses, if any, will be adjusted with the member and payable to the member and the following, as their interest may appear:
6. ☒ Other (as described here): **The scope of protection includes Road Commission for Oakland County as additional insured, only as respects claims which may arise from work done by the City of Troy in conjunction with the Summer Road Maintenance Agreement.**

Authority membership and coverage are continuous in nature, and bear no expiration or termination date, however, should the member identified below withdraw from the Authority, or its Authority Membership be otherwise terminated, the Authority will endeavor to notify the certificate holder in writing thirty (30) days in advance thereof, but failure to furnish such notice will impose no obligation or liability of any kind upon the Authority, or its representatives.

Certificate Holder:
Road Commission for Oakland County
2420 Pontiac Lake Road
Waterford, Michigan 48328

Member:
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084-5285

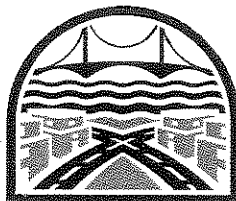
Distribution:

Effective Date of Membership: 11/8/90

Date Issued: January 26, 2004



Authorized Representative



Michigan Municipal League
Workers' Compensation Fund

CERTIFICATE OF MEMBERSHIP

The Michigan Municipal League Workers' Compensation Fund, approved by the
Director of the Bureau of Workers' Disability Compensation as a group self-insured,
certifies that

City of Troy

is a member in good standing of the Fund,
for the year expiring

June 30, 2004

and as such is approved by the Bureau as a self-insurer.

Employer's liability coverage of

\$500,000

is included.

July 1, 2003

Effective Date

NOTE: This certificate is proof that your entity has complied with The Workers' Disability
Compensation Act by becoming a Member of the Michigan Municipal League Workers'
Compensation Fund. Copies of this certificate may be provided to third parties as evidence
that the required worker compensation coverage is in place.

February 16, 2004

RECEIVED
FEB 19 2003
CITY OF TROY
CITY MANAGER'S OFFICE

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director *JLB*
Charles T. Craft, Chief of Police *CTC*

RE: **Agenda Item** – Macomb County Animal Shelter Services

RECOMMENDATION

Since July 8, 2002, Macomb Animal Shelter Services has been authorized to house, care, maintain, feed, and/or dispose of animals in accordance with the Agreements signed by the Mayor and City Clerk. (Council Resolution #2002-07-399-E13; 2003-01-004-E13) City management recommends the continued use of their services and hereby requests the Mayor and City Clerk to execute the new Agreement for Macomb County Animal Shelter Services, which expires when any change to the rates become effective. The contract requires a 30-day notice prior to any rate change.

The Macomb County Board of Commissioners has approved an adjusted schedule of fees for the Animal Shelter Services that are effective January 1, 2004. The fee adjustments are reflected in the enclosed Macomb County Health Department Memorandum and the new Agreement.

The increases are minimal and still less expensive than the Oakland County contract. The Police Department will continue to use both Macomb and Oakland County Animal Shelters depending on the immediate needs of the Department, and the availability of the shelters.

Reviewed as to Form and Legality:

L. Grigg Blum *2/19/04*
Lori Grigg Blum, City Attorney Date

Prepared by: Captain Dane M. Slater

MACOMB COUNTY HEALTH DEPARTMENT

CLINIC SERVICES
469-5372

ENVIRONMENTAL HEALTH
469-5236

PERSONAL HEALTH SERVICES
469-5520

43525 ELIZABETH
MOUNT CLEMENS, MICHIGAN 48043
(586) 469-5235 • FAX (586) 469-5885

THOMAS J. KALKOFEN
Director/Health Officer

KEVIN P. LOKAR, M.D.
Medical Director

February 4, 2004

Captain Dane M. Slater
Patrol Division Commander
Troy Police Department
500 West Big Beaver Road
Troy, MI 48084

Dear Captain Slater:

Per our telephone conversation, I am forwarding to your office two copies of the Agreement for Macomb County Animal Shelter Services and a copy of the cover letter sent to Mayor Pryor's office October 1, 2003.

Please return both signed copies of the Agreement. After it has been fully executed, a copy will be returned for your records.

Thank you for your assistance with this matter.

Sincerely,



Maureen Cicola
Administrative Secretary

Enclosures



MACOMB BOARD OF COMMISSIONERS

Ralph A. Liberato - District 1
Marvin E. Sauger - District 2
Phillip A. DiMaria - District 3
Mike Walsh - District 4
Susan L. Doherty - District 5

Joan Flynn - District 6
Sue Rocca - District 7
Diana J. Kolakowski - District 8
Robert Mijac - District 9
Philis DeSaele - District 10

Ed Szczepanski - District 11
Peter J. Lund - District 12
Don Brown - District 13
Kurt S. Kramer - District 14
Keith Rengert - District 15

Nancy M. White
Chair

Peter J. Lund
Vice-Chair

William J. Revoir - District 16
Bobby L. Hill - District 17
Michael C. Sessa - District 18
James M. Perna - District 19
Nancy M. White - District 20

Joan Flynn
Sergeant-At-Arms

Leonard Haggerty - District 21
Betty Slinde - District 22
Roland R. Fraschetti - District 23
Peggy A. Kennard - District 24
Kathy D. Vosburg - District 25
Nicholyn A. Brandenburg - District 26

MACOMB COUNTY HEALTH DEPARTMENT

CLINIC SERVICES
469-5372

ENVIRONMENTAL HEALTH
469-5236

PERSONAL HEALTH SERVICES
469-5520

43525 ELIZABETH

MOUNT CLEMENS, MICHIGAN 48043
(586) 469-5235 • FAX (586) 469-5885

THOMAS J. KALKOFEN
Director/Health Officer

KEVIN P. LOKAR, M.D.
Medical Director

October 1, 2003

The Honorable Matt Pryor
Mayor of the City of Troy
City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mayor Pryor:

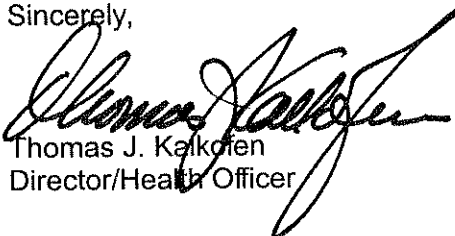
I am writing to inform you that the Macomb County Board of Commissioners has approved an adjusted schedule for fees effective January 1, 2004. The adjusted fees apply to many programs, including those at the Macomb County Animal Shelter.

The Agreement for Macomb County Animal Shelter Services between the City of Troy and the County of Macomb requires a 30-day notice prior to any rate change. This letter shall serve as notice of the adjustments effective January 1, 2004.

Enclosed are two revised copies of the Agreement with the fee adjustments; each pet or animal requiring a 10-day quarantine from \$40.00 to \$41.00, the cost of preparing and transporting rabies specimens from \$53.00 to \$54.00, and calls requiring the use of tranquilizer equipment from \$53.00 to \$54.00. These changes are required to cover increased costs. All other charges remain the same.

If the Agreement meets with your approval, please sign and return both copies. After the Agreement has been fully executed, we will return your copy.

Sincerely,



Thomas J. Kalkofen
Director/Health Officer

mc

Enclosures (2)

cc: S. Jeroue



MACOMB BOARD OF COMMISSIONERS

Ralph A. Liberato - District 1
Marvin E. Sauger - District 2
Phillip A. DiMaria - District 3
Mike Walsh - District 4

Joan Flynn - District 6
Sue Rocca - District 7
Diana J. Kolakowski - District 8
Robert Mijac - District 9
Phillip DeSoto - District 10

Ed Szczepanski - District 11
Peter J. Lund - District 12
Don Brown - District 13
Kurt S. Kramer - District 14
Keith Rempert - District 15

Nancy M. White
Chair

Peter J. Lund
Vice-Chair

William J. Revoir - District 16
Bobby L. Hill - District 17
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James M. Perna - District 19
Nancy M. White - District 20

Joan Flynn
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Leonard Haggerty - District 21
Betty Slinde - District 22
Roland R. Frascetti - District 23
Peggy A. Kennard - District 24
Kathy D. Vosburg - District 25
Nicholas A. Brandenburg - District 26

E-11 Design Services for SE ¼ of Section 10 – Water Main – Project No. 01.504.5

Resolution #2003-01-004-E-11

RESOLVED, That the proposal submitted by Spalding DeDecker Associates, Inc. (SDA) is **APPROVED** and **AUTHORIZATION** is hereby given to SDA to proceed with the design of the water main replacement along with associated drainage improvements on Somerton, Sylvanwood, Trinway, and Donaldson (Project No. 01.504.5), at an estimated cost to the City of Troy not to exceed \$67,000.00.

E-12 (a) Authorization for Mayor Pryor's Attendance of U.S. Conference of Mayors – 71st Winter Meeting in Washington D.C.; (b) Authorization for Council Members to Attend 2003 NLC Annual Congressional City Conference – Washington, D.C. from March 7-11, 2003

(a) Authorization for Mayor Pryor's Attendance of U.S. Conference of Mayors

Resolution #2003-01-004-E-12 (a)

RESOLVED, That Mayor Pryor is **AUTHORIZED** to attend the U.S. Conference of Mayors 71st Winter Meeting in Washington, D.C., January 21-26, 2003.

(b) Authorization for Council Members to Attend 2003 NLC Annual Congressional City Conference

Resolution #2003-01-004-E-12 (b)

RESOLVED, That Mayor and Council Members are **AUTHORIZED** to attend the 2003 NLC Annual Congressional City Conference in Washington, D.C. from March 7-11, 2003.

E-13 Macomb County Animal Shelter Services

Resolution #2003-01-004-E-13

RESOLVED, That the City Council of the City of Troy hereby **AUTHORIZES** the Mayor and City Clerk to sign the Agreement between the City of Troy and Macomb Animal Shelter Services.

ITEM TAKEN OUT OF ORDER

E-4 Authorization to Pay 2003 Membership Dues – U.S. Conference of Mayors

Resolution #2003-01-005

Moved by Broomfield

Seconded by Lambert

b) Item E-10 from City Council Agenda of June 17, 2002

Resolution #2002-07-399-E-10b

RESOLVED, That City Council Resolution #2002-07-367-E-10 be corrected to reflect an accurate Sidwell Number for Troy Girls/Boys' Club property by striking the incorrect Sidwell Number "13-100-035" and inserting Sidwell Number "13-100-039".

E-11 Request for Acceptance of Watermain Easement from Choice Development Corporation – Sidwell #88-20-20-226-100

Resolution #2002-07-399-E-11

RESOLVED, That the permanent easement from Choice Development Corporation, for the construction and maintenance of a watermain, being part of property having Sidwell # 88-20-20-226-100 is hereby accepted.

E-12 Acceptance of Warranty Deed – East Long Lake Properties – Part of Sidwell #88-20-15-201-016 – Project #01.942.3

Resolution #2002-07-399-E-12

RESOLVED, That the City Council of the City of Troy hereby accepts the warranty deed from East Long Lake Properties for a consideration of one dollar (\$1.00).

BE IT FURTHER RESOLVED, That the City Clerk shall record said warranty deed with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

E-13 Animal Shelter Services

Resolution #2002-07-399-E-13

RESOLVED, That the City Council of the City of Troy hereby authorizes the Mayor and City Clerk to sign the Agreement between the City of Troy and Macomb Animal Shelter Services.

E-14 Acceptance of Permanent Watermain Easement – Heller Machine Tools Limited Partnership – Sidwell # 88-20-32-226-032 – Project #01.961.3

Resolution #2002-07-399-E-14

RESOLVED, That the City Council of the City of Troy hereby accepts the permanent watermain easement from Heller Machine Tool Limited Partnership for a consideration of one dollar (\$1.00).

AGREEMENT FOR MACOMB COUNTY ANIMAL SHELTER SERVICES

THIS AGREEMENT is entered into the 1st day of January, 2004 by and between the Macomb County Health Department, an agency of the County of Macomb, and the City of Troy, hereinafter referred to as "City".

WHEREAS, the City is desirous of transporting, transferring custody of and impounding pets and/or animals from time to time to the Macomb County Animal Shelter, a division of the Macomb County Health Department, hereinafter referred to as "Shelter", and

WHEREAS, it is the mutual intent of the parties hereto that if the City does transfer custody of and/or does impound pets or animals to the Shelter, and if said Shelter agrees at the time to accept said pet(s) or animal(s), that the parties establish a valuable consideration to be paid to said Shelter for keeping, care, maintenance, feeding and/or disposal of the pet(s) and/or animal(s);

WHEREFORE, it is agreed by and between the parties hereto that the City shall pay to the Shelter within 45 days of billing, the following sum(s) of money for the following services to be rendered by the Shelter to the City:

1. For each dead or give up pet or animal turned over to the Shelter, the City shall pay the sum of Three (\$3.00) Dollars.
2. For each pet or animal requiring a 10-day quarantine, the City shall pay the sum of Forty-one (\$41.00) Dollars.
3. For each five day stray pet or animal turned over to the Shelter, the City shall pay the sum of Fifty-five (\$55.00) Dollars.

4. For all other pets or animals, Eleven (\$11.00) Dollars per day per pet or animal for the keeping of, care, maintenance, and/or feeding of said pet or animal. One day shall be construed to mean any period of time up to 24 hours. Any time over and above 24 hours (but less than 48 hours) shall be construed to be an additional day. Each additional 24 hour period shall be charged at Eleven (\$11.00) Dollars, per day.

5. For any treatment rendered to a pet or animal turned over to the Shelter, the City shall pay to the Shelter the reasonable cost of said treatment.

6. The City agrees to reimburse the Shelter for overtime paid to a Shelter employee by the County of Macomb per the rate established by the collective bargaining agreement governing said employee for impound processing requiring a Shelter employee to be called in during hours other than normal working hours.

7. The City agrees to reimburse the Shelter the sum of Fifty-four (\$54.00) Dollars for the transportation, cost and preparation of suspected rabies specimens.

8. For each call requiring the use of tranquilizer equipment, the City shall pay the sum of Fifty-four (\$54.00) Dollars.

9. The City further agrees to pay to the Shelter a Thirty (\$30.00) Dollar per month fee for using the Shelter's power washer for the cleaning of animal transportation vehicles and equipment.

The City agrees to pay to the Shelter the monies as set forth above for each and every service as set forth above, whether such service is requested by the City's elected officials, appointed or hired officials, police officers, code enforcement officers, deputies, representatives, agents or any City employee acting with actual or apparent authority on behalf of the City.

The City agrees to pay the Shelter the monies as set forth above for each and every day the pet(s) or animal(s) is/are kept or treated at the Shelter, regardless of the reason that said pet(s) or animal(s) is/are brought to the Shelter. These reasons include, but are not limited to:

- Stray pet(s) or animal(s) picked up by the City.
- Pet(s) or animal(s) turned over to the Shelter as a result of a Court order.
- Pet(s) or animal(s) turned over to the Shelter resulting from a criminal investigation.
- Pet(s) or animal(s) turned over to the Shelter which have been removed from a home and/or owner due to animal cruelty, abandonment, or any reason for which the City has removed them and turned them over to the Shelter.
- Pet(s) or animal(s) being held as evidence in a criminal case, or possible criminal case, whether such case is pending or not and/or whether such case is being prosecuted locally or by the County Prosecutor's Office.

NOTWITHSTANDING any other provision of this Agreement, it is agreed by and between the parties hereto, that the Shelter has the right to deny and has no obligation to accept any pet(s) or animal(s) brought to the Shelter for care, maintenance, feeding and/or treatment; the purpose of this Agreement being to set service fees to be paid by the City to the Shelter and not to establish an obligation on the part of the City to bring a certain number of pet(s) or animal(s) to the Shelter or for the Shelter to be obligated to accept said pet(s) or animal(s).

It is agreed by and between the parties that the County of Macomb, at its discretion, has the right to adjust the aforesaid service fees to be paid by the City; provided, however, that any change in said fees shall not take effect until thirty (30) days after the mailing or delivery of written notice to the City. Thereafter, the City shall be bound by the adjusted rate for any pet(s) or animal(s) which is/are thereafter brought to the Shelter or which is/are at the Shelter when the adjusted rate becomes effective.

It is further agreed by and between the parties that the Shelter shall not supply to the City materials or supplies, including plastic bags.

All liability to third parties arising out of activities to be performed by a party under the terms of this agreement shall be the responsibility of that party if the liability is caused by, or arises out of, the action, or failure to act, on the part of the party or anyone directly or indirectly employed by the party.

In the event that liability to third parties arises as a result of activities conducted jointly by the City and the Shelter in fulfillment to their responsibilities under this Agreement, such liability shall be borne by the City and Shelter in relation to each party's responsibilities under these joint activities.

Nothing contained in this Agreement shall be construed as a waiver of any governmental immunity by Macomb County, the Macomb County Health Department, the City, their agencies or employees as provided by statute or court decisions.

IN WITNESS WHEREOF, the parties have set their hands the day and date aforementioned.

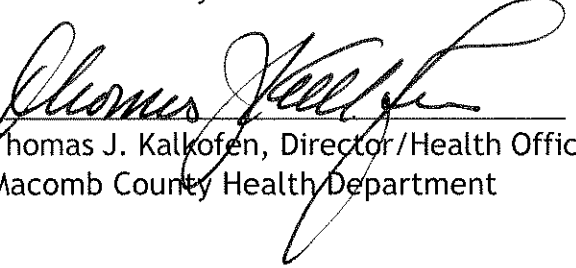
CITY OF ~~TROY~~

COUNTY OF MACOMB

By: _____
Matt Pryor
Mayor of the City of Troy

By: _____
Nancy M. White, Chairperson
Macomb County Board of Commissioners

By: _____
Tonni Bartholomew
City Clerk

By: 
Thomas J. Kalkofen, Director/Health Officer
Macomb County Health Department

EMPLOYMENT AGREEMENT

THIS AGREEMENT, initially made on the 20th day of March 2000, and amended on the 1st day of March, 2004, by and between the City of Troy, Michigan, a municipal corporation, hereinafter referred to as the "City" and John Szerlag, hereinafter referred to as the "Executive".

As the City desires to retain the Executive as its City Manager and as the Executive desires to serve the City as its City Manager, the City and the Executive agree as follows:

SECTION 1. PERIOD OF EMPLOYMENT

This Agreement shall be effective as of January 1, 2000, and shall continue for an indefinite period, and may be terminated subject to the provisions of Section 13 of this Agreement.

SECTION 2. EXECUTIVE'S DUTIES

During the period of employment with the City, the Executive shall perform the duties of the City Manager as set out in the applicable statutes of the State of Michigan, the Charter of the City of Troy, all ordinances and resolutions lawfully enacted, and other such duties as the Council of the City of Troy may lawfully assign to the Executive.

SECTION 3. OTHER EMPLOYMENT

The Executive shall devote full-time attention, knowledge and skills in the interest of the City of Troy, and the City shall be entitled to full-time benefits arising from or incident to the full-time work, services, and advice of the Executive. The Executive may from time to time teach, lecture, or make presentations that will not conflict or interfere with his work for the City.

The Executive agrees to execute all oaths and provide all bonds with surety as required by law.

SECTION 4. HOURS OF WORK

The parties realize that the position of City Manager requires the Executive holding such position to work weekends, evenings, and other irregular hours at locations other than the City's administrative offices and during hours that said offices are not open. It is understood and agreed that the Executive shall work whatever hours that may be necessary in order for him to fulfill the requirements of the position of Executive, as described herein and otherwise, but in any event, no less than forty (40) hours per week.

SECTION 5. EXECUTIVE'S SALARY

The Executive shall receive a salary at an annual rate of \$133,786.00 for the period commencing January 1, 2004, and that salary shall be payable in installments as per the pay plan generally applicable to other City exempt employees. From time to time, the City shall review the Executive's performance. The Executive's annual salary may be adjusted from time to time as determined by resolution of the City Council.

SECTION 6. DEFERRED COMPENSATION

Prior to termination of this Agreement, and while the Executive remains in the employ of the City as its City Manager, the City of Troy shall contribute \$7,500 on or before January 15th of each year to the ICMA Retirement Corporation Deferred Compensation Plan on behalf of the Executive. This provision shall be effective for the calendar year of 2000 and thereafter.

SECTION 7. AUTOMOBILE ALLOWANCE

The Executive shall receive an automobile allowance of \$425 per month during the time he is actively working during the term of this Agreement as City Manager for the City. This amount shall be increased from time to time to the extent such allowance is increased for other exempt

employees within the City. This allowance shall be the total compensation to the Executive for the use of his personal automobile in the course of the City's business and shall be paid in lieu of mileage or any other method of reimbursement. The Executive shall use his vehicle for all City business that he performs. The Executive shall provide proof of insurance to the City and name the City as an additional insured on her automobile insurance policy.

SECTION 8. OTHER BUSINESS EXPENSE

The City shall reimburse the Executive for all other reasonable employment related expenses, subject to the administrative policies concerning such expenses, as currently exist in the Exempt Employee's Handbook, Revised 2/00, as may be amended and otherwise. Such expenses may include, but are not limited to, the following: air travel, taxi and automobile rental, lodging, meals, memberships and subscriptions to the publications of the International City Manager's Association only, registration fees for training programs offered by such organizations, and travel and incidental costs relating to attending such programs or conferences and meetings of such organizations. It is specifically understood that such activities are to be undertaken by the Executive as may be required by the City, and shall be considered part of the Executive's duties. The Executive shall be reimbursed for other such reasonable expenses as the City shall approve by resolution passed by the City Council.

SECTION 9. VACATION LEAVE

Vacation benefits for the Executive shall be as provided to the City's exempt employees.

SECTION 10. SICK LEAVE

The Executive shall accumulate sick leave pursuant to the plan for exempt employees as is provided in the Exempt Employee's Handbook, revised 2/00, which may be modified from time to time during the course of this Agreement.

SECTION 11.
PUBLIC OFFICIAL LIABILITY INSURANCE
AND REPRESENTATION BY LEGAL COUNSEL

The City shall provide the Executive with public official liability insurance in accordance with that provided other officers of the City. In addition, the City shall provide the Executive legal representation as otherwise provided for other city officials and as provided by ordinance, except for malicious, wanton criminal conduct arising from the Executive's action or conduct and/or unless the City Council determines that the Executive was clearly acting outside of the scope of his duties when engaged in the actions or conduct which forms the basis of such charges or claims.

SECTION 12.
TERMINATION

The City or the Executive may terminate this Agreement at any time with or without cause.

1. In the event the Executive terminates this Agreement, he shall give no less than thirty (30) days prior written notice to the City Clerk and in said notice advise the City of the date of termination. If the Executive terminates this Agreement, all rights of the Executive to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination.

2. In the event the City terminates the Executive's employment under provisions of this Agreement for just cause, all rights of the Executive to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination. Just cause shall include, but is not limited to, any of the following:

- (a) Fraud, dishonesty, or other intentional misconduct either:
 - 1. in the performance of Executive's duties and responsibilities pursuant to this Agreement, or
 - 2. which has a material adverse impact on the public's perception of the City, its officials, administrators or the Executive.

- (b) The use by Executive of alcohol, drugs, or any other intoxicant or controlled substance, in such a manner as to impair his ability to perform her duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.
- (c) The Executive's arrest and binding over for trial or a plea of guilty or nolo contendere to a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the Executive in the commission thereof).
- (d)
 - (i) A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the Executive in writing by the City Council but only after the Executive has been provided notice by City Council of its dissatisfaction with the performance of said duties and Executive has been provided a reasonable opportunity to correct his performance;
 - (ii) Otherwise willful misconduct in connection with the performance of his duties hereunder.

3. If the City terminates the Executive's employment under the provisions of Section 12, paragraph 2, all rights of the Executive to compensation and benefits shall cease as of the effective date of such termination unless a final termination is thereafter made pursuant to the arbitration provisions hereof that the City did not have just cause to terminate the Executive, in which case the provisions of Section 12, Paragraph 4 below shall apply.

4. The City shall also have the right to terminate the Executive's employment without cause. In the event that the City terminates the Executive's employment without just cause, as defined above, and the Executive is willing, able, and ready to perform the duties as City Manager, the City shall pay the Executive one half of his annual salary, not including fringe benefits, as full satisfaction of the City's obligation under this Agreement. The City shall not, however, be required to pay said sum to the Executive until such time that he executes a full and complete release in a form acceptable to the City Attorney.

5. In the event that the City terminates the Executive's employment without just cause, as defined above, and the Executive is willing, able, and ready to perform the duties as City Manager, the Executive, in his sole discretion, may opt to convert one half of his annual salary to the equivalent years of service for his pension, and also receive six months of healthcare coverage, in lieu of the lump sum severance benefit, as referenced in Section 12, paragraph 4.

SECTION 13. ELIGIBILITY FOR BENEFITS AFFORDED OTHER CITY OFFICIALS

Except as otherwise provided in this Agreement, the Executive shall receive the same benefits as provided to the City's exempt employees including; compensatory time, vacation leave, sick leave, Municipal Retirement Fund Contributions, Group Medical Insurance Benefits, life and other insurance, longevity pay, holidays and disability as is described in the City of Troy Exempt Employee's Handbook, revised 2/00, and which may be modified from time to time during the course of this Agreement.

SECTION 14. ARBITRATION

It is mutually agreed between the Executive and the City that arbitration shall be the sole and exclusive remedy to redress any grievance which includes, but is not limited to any dispute, claim or controversy involving the interpretation of this Agreement, the terms, conditions or termination of this Agreement; and any and all disputes, claims or controversies arising as a result of the Employment of the Executive by the City, including claims under federal, state or local civil rights statutes such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act. It is the intention of the parties that the arbitration decision will be final and binding and that any and all grievances shall be disposed of as follows:

1. Any and all grievances must be submitted in writing by the aggrieved party within thirty (30) days from the date of termination of this Agreement;

2. Within thirty (30) days following the submission of the written grievance, the party to whom the grievance is submitted shall respond in writing. If no written response is submitted within thirty (30) days, the grievance shall be deemed denied;

3. If the grievance is denied, either party may, within thirty (30) days of such denial, refer the grievance to arbitration in Troy, Michigan. The arbitrator shall be chosen in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association then in effect, and the expense of the arbitration shall be shared equally by the City and the Executive.

4. Any grievance shall be deemed waived unless presented within the time limits specified above. The arbitrator shall not have jurisdiction or authority to change, add to or subtract from any of the provisions of this Agreement. The arbitrator's sole authority shall be to interpret or apply the provisions of this Agreement. The parties hereby acknowledge that since arbitration is the exclusive remedy with respect to any grievance hereunder, neither party has the right to resort to any federal, state or local court or administrative agency concerning breaches of this Agreement and that the decision of the arbitrator shall be a complete defense to any suit, action or proceeding instituted in any federal, state or local court or before any administrative agency with respect to any dispute which is arbitrable as herein set forth. The arbitration provisions hereof shall, with respect to any grievance, survive the termination or expiration of this Agreement.

SECTION 15. COMPLETE AGREEMENT

This written Agreement embodies the whole agreement between the parties and there are no inducements, promises, terms, conditions or other obligations in this Agreement. Any amendments to this Agreement shall be in writing and executed by both the City and the Executive.

**SECTION 16.
GOVERNING LAW**

This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan.

**SECTION 17.
SURVIVING PROVISIONS**

All provisions, which by their terms or by reasonable implication may be performed after termination of this Agreement, shall survive termination of this Agreement.

**SECTION 18.
REPRESENTATIONS AND WARRANTIES**

Executive represents and warrants to the City that he is free to enter into this Agreement and that he has no prior or other obligations or commitments of any kind to anyone that would in any way hinder or interfere with his acceptance of, or the full, uninhibited and faithful performance of, his employment under or the exercise of his best efforts as an employee of the City.

**SECTION 19.
WAIVERS**

The failure of either party hereto at any time or from time to time to require performance of any of the other party's obligations under this Agreement shall in no manner affect the right to enforce any provision of this Agreement at a subsequent time, and the waiver of any rights arising out of any breach shall not be construed as a waiver of any rights arising out of any subsequent breach.

**SECTION 20.
SURVIVAL**

If any of the provisions, terms or clauses of this Agreement are declared illegal, unenforceable or ineffective in a legal forum or by the operation of law, those provisions, terms

and clauses shall be deemed severable and all other provisions, terms and clauses shall remain valid and binding.

**SECTION 21.
WARRANTIES**

The individuals signing this Agreement represent and warrant that they, and each of them, are duly authorized and empowered to act on behalf of and to sign for the parties for whom they have signed respectively.

CITY OF TROY, a Michigan
municipal corporation

Witnesses:

By: _____
Matt Pryor, Mayor


By: _____
Tonni Bartholomew, City Clerk

Executive:

By: _____
A. John Szerlag

February 19, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager 

SUBJECT: Agenda Item - Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)

This is a request to negotiate a new agreement with the MMRMA for the City's Casualty and Property Insurance, subject to City Council approval. The City's current agreement with the MMRMA expires November 8, 2004. Mr. Boyd Smith, Regional Risk Manager for the MMRMA has asked if the City would be open to negotiating a new agreement (Letter of February 2, 2004 attached).

The City has been a member with the MMRMA since November of 1990. Since that time, the MMRMA has been requested to participate, and has submitted a competitive bid proposal four (4) times. Each time the MMRMA has provided the most comprehensive bid proposal with the broadest coverage at the lowest price. The last competitive bidding process was in 1996 for a three-year agreement. Since that time, we have been able to successfully negotiate two additional agreements with the MMRMA, with City Council approval (Resolutions #99-376-E-4 and #2002-08-453).

I would submit that a review of the following attachments would indicate that the MMRMA should be given an opportunity to provide the City a quotation without competitive bidding. Mr. Smith is aware that any negotiation with regard to pricing is open to review by competitors should the City and MMRMA not come to an agreement.

- Attachment #1 is a history of insurance premiums paid for casualty and property insurance since 1988/89.
- Attachment #2 is a cost comparison and coverage comparison from the most recent competitive bidding process in 1996, as presented by Mr. Angelo Zervos, Insurance Counselor for the City of Troy.
- Attachment #3 is a listing of MMRMA member cities throughout the State of Michigan.
- Attachment #4 is a listing of the top ten Oakland County communities ranked by population that are MMRMA members.

Other services provided by the MMRMA as part of the insurance premium include: Notary Bonds, Oakland County Sheriff's Bonds, claims handling services (other than allocated legal expenses), loss control services (which include numerous educational programs), input and decision making authority on claims prior to settlement, no annual aggregate limits of liability, risk transfer counseling, risk management counseling, and others.

Other benefits provided by the MMRMA as part of the insurance premium include: Financial strength (program assets of \$207,878,516 and a fund balance of \$101,905,035), the broadest available coverage, a reinsurance program that includes carriers with the highest financial ratings that are admitted to do business in the State of Michigan, and others.

I believe it to be in the City's best interest to give Mr. Smith an opportunity to present and negotiate a proposal from the MMRMA because of their past performance in our competitive bidding process, and their excellent service to the City of Troy for the past 13 years.



RISK

Michigan Municipal
MANAGEMENT
AUTHORITY

BOARD OF DIRECTORS

February 2, 2004

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Chairman
Newaygo County

RONALD LEE
Vice Chairman
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of Saginaw

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Southfield

MICHAEL WELSCH
Iosco County

THOMAS YACK
Charter Township
of Canton

GERALD BUCKLESS
Board Member Emeritus

MICHAEL L. RHYNER
Executive Director

Stephen Cooperrider, Risk Manager
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Steve:

As you are well aware, the City of Troy has been a valued member of the Michigan Municipal Risk Management Authority since November of 1990. Its members like you that work hand and hand with our Risk Control Department to keep losses down. Our Risk Control Department has won many State and National Awards in the field of Municipal Risk Management. Because of their efforts, along with the support of our membership, I am happy to say we are ranked by The Business Insurance Publication, May 19, 2003 issue as the 7th ranked public entity pool in the country! If they would take out of the mixes Workmans Comp and Employee Benefits and just use Liability and Property as a basis of rating, we would move up to 3rd or 4th in the survey.

ONE OF A KIND PROGRAM - MMRMA's Risk Avoidance Program (RAP Grants). This program offers monetary assistance to develop and implement projects with a high potential for solving risk management problems. Police Pursuit, Court Security, Law Enforcement Defensive Tactics, and Fire Service Educational Training, are just a few areas where our RAP Grant funding has gone. In the fiscal year 2003, MMRMA received 78 RAP Grant applications, 63 earned approval and shared about \$500,000 in awards. (Troy police department received \$4000.00 in November of 2003 for TASERS).

Steve, I thought you might be interested in how the City of Troy compared in contributions with other MMRMA members.

Steve Cooperrider

City of Troy

February 2, 2004

Page Two

The following is a list of members picked at random:

<u>City</u>	<u>Population</u>	<u>SIR</u>	<u>Contribution</u>
City of Troy	81,000	500,000	282,096
City A	72,000	500,000	542,782
City B	78,000	250,000	1,086,832
City C	60,000	250,000	650,000
City D	31,000	150,000	920,000
City E	19,000	150,000	378,000
City F	86,483	100,000	1,083,000
City G	39,000	250,000	574,000
City H	59,000	75,000	1,087,111
City I	34,000	75,000	494,282
City J	83,500	75,000	960,520
City K	22,500	150,000	686,000
City L	71,000	500,000	1,030,027

Just a reminder there are a lot of factors that go into rating a municipality, a good loss ratio plays a big factor in keeping the rate down, it also depends on the size of their police, and fire departments, are we insuring any courts, water treatment facility? Do they have a stop loss, and have they purchased sewer liability? What is the size of their budget and property values, also the limit of liability protection they purchased? All play a part in their total contribution. As you can see I believe the City of Troy has faired very, very well, and I believe it attributes directly to an excellent management staff.

It's important to understand how the MMRMA evolved. Back in the early 80's the last hard insurance market, the commercial insurance market dried up, they would not write Municipal Insurance. That's when a couple Municipalities along with their insurance agent formed an insurance pool. It started with 3 and now we have more than 350 members in our pool. It's because of the loyalty of our membership that we are able today in this again hard market, to provide excellent insurance rates and services.

With the untimely and tragic death of Don Althoff 2/02, it was decided to best serve his MMRMA Members by bringing his accounts in house. Now that you are being serviced in house there is no doubt in my mind that you will continue to get the excellent service that you have always expected from the C.M. Althoff Company. Along with the excellent staff we have here, I was hired as an in house Risk Manager to replace Don in the day to day relationship and Risk Management functions that he provided for the City of Troy. My back ground comes with 30 years of Insurance experience, ten spent working as a Regional Risk Manager and Marketing Agent for the MMRMA program. I also hold the professional designation CIC (Certified Insurance Counselor).

The logo for the Michigan Municipal Risk Management Authority. It features the word "RISK" in a large, bold, serif font, with "MANAGEMENT" and "AUTHORITY" stacked below it in a smaller, all-caps, sans-serif font. The text is white and set against a dark, textured rectangular background.

Michigan Municipal
MANAGEMENT
AUTHORITY

Steve Cooperrider
City of Troy
February 2, 2004
Page Three

As of this writing Michael L. Rhyner MMRMA's Executive Director is having talks with our Re-insurance Companies, trying his best to keep the rates low and locking in extended contracts. With this all said I know that the MMRMA will do everything within its power to retain our excellent relationship with the City of Troy, and that the City Council will decide to continue this relationship through the 2004-2005 renewal process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Boyd M. Smith". The signature is written in dark ink and is positioned above the printed name.

Boyd M. Smith, CIC
MMRMA Risk Manager

BMS/nr

- D) The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s); and

WHEREAS, the City Council of the City of Troy has found that the petitioner has demonstrated the presence of the condition(s), justifying the granting of a variance;

NOW, THEREFORE, BE IT RESOLVED, that the request from Dane Lawicki, 1840 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of one step van in a residential district is hereby approved for a six month period.

Yes: All-7

Approval of HayGroup Recommendations for Classified and Exempt Personnel

D-2

Resolution #99-375
Moved by Pallotta
Seconded by Allemon

RESOLVED, that the salary structure and pay plan, as proposed by the HayGroup, is hereby approved, and a copy shall be attached to the original minutes of this meeting.

Yes: All-7

CONSENT AGENDA

Approval of Consent Agenda

E-1

Resolution #99-376
Moved by Pallotta
Seconded by Allemon

RESOLVED, that all items as presented on the Consent Agenda are hereby approved as presented with the exception of Items E-2, E-6, E-7b and E-16, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

CONSENT AGENDA – CONTINUED

Set Public Hearing – Request for Waiver of Sidewalk Requirements – 2171 and 2184 Orpington

E-3

Resolution #99-376-E-3

2184 Orpington

Resolution #99-376-E-3

RESOLVED, that a Public Hearing is hereby established for September 13, 1999 to consider requests for waiver of sidewalk requirements at 2171 and 2184 Orpington.

Approval of Three Year Renewal of Casualty and Property Insurance and
Purchase of Fiduciary Liability Insurance

E-4

Resolution #99-376-E-4

RESOLVED, that a three (3) year renewal of Casualty and Property Insurance with Michigan Municipal Risk Management Authority for November 8, 1999 through November 7, 2002, with option to renew for an additional three years, is hereby approved as outlined in a memorandum from the Acting Risk Manager dated July 21, 1999, a copy of which shall be attached to the original minutes of this meeting; and

BE IT FURTHER RESOLVED, that Fiduciary Liability Insurance is hereby purchased from Michigan Municipal Risk Management Authority with the first year premium to be \$11,200 as outlined in a letter from the MMRMA dated July 16, 1999, a copy of which shall be attached to the original minutes of this meeting.

Acceptance of Permanent Easement for Water Main, Elias, Project No. 98.916.3 –
Sidwell #88-20-25-229-027

E-5

Resolution #99-376-E-5

RESOLVED, that a Permanent Easement for Water Main from Michael A. and Lisa M. Elias, 2803 Continental, being Sidwell # 88-20-25-229-027, is hereby accepted for public use, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to record said Permanent Easement with the Oakland County Register of Deeds, a copy of which shall be attached to the original minutes of this meeting.

CONSENT AGENDA - CONTINUED

Bid Awards: (a) Contract No. 99-6 – Local Road Overlays and Woodland Elementary
School Passing Lane; (c) Portable Bleachers; (d) Water System Materials

E-7

Resolution #2002-08-452
Moved by Pallotta
Seconded by Eisenbacher

RESOLVED, That a contract to purchase two (2) 64,000 GVW Dump Trucks, 2003 Models, with 10-12 yard dump box, underbody scraper, front mounted snowplow, wetting system, and tailgate salt spreader with hydraulic system is hereby awarded to the lowest acceptable bidder, Motor City Truck with Monroe Truck Equipment, at unit prices contained in the bid tabulation opened June 7, 2002, at an estimated total cost of \$243,092.00 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, August 19, 2002.

Yes: All-7

PUBLIC COMMENT:

A. Items on the Current Agenda

E-14 Standard Purchasing Resolution 3: Exercise the Renewal Option – Casualty and Property Insurance with the MMRMA from November 8, 2002 through November 7, 2004

Resolution #2002-08-453
Moved by Beltramini
Seconded by Pallotta

WHEREAS, On November 4, 1996, a three-year contract for Casualty and Property Insurance was awarded to the low bidder, Michigan Municipal Risk Management Authority (MMRMA) (Resolution #96-1032); and

WHEREAS, The contract was extended on August 16, 1999 for three years with an option to renew for three additional years (Resolution #99-376-E-4); and

WHEREAS, The MMRMA has agreed to exercise a two-year option under the same terms and conditions with the following changes due to the hardening insurance market:

- A change in Self-Insured Retention (SIR) from \$250,000 to \$500,000
- An increase in the City's stop loss program from \$633,000 to \$1,000,000
- A change in sewer backup coverage from \$15,000,000 to \$500,000
- Terrorism Coverage is included in the amount of \$25,000,000

NOW, THEREFORE, BE IT RESOLVED, That a two-year option to renew the contract for Casualty and Property Insurance is hereby exercised with the MMRMA at a premium cost in the first year of \$282,096 and a second year cost of \$282,096 including the maintenance of a positive loss fund balance of up to \$150,000 expiring November 7, 2004.

Yes: All-7

2/5/2004

INSURANCE PREMIUM HISTORY

<u>POLICY</u> <u>YEAR</u>	<u>INSURER</u>	<u>PREMIUM</u> <u>CASUALTY AND PROPERTY</u>	<u>SELF-INSURED</u> <u>RETENTION</u>	<u>LIMITS</u>	<u>LOSS FUND</u> <u>CONTRIBUTION</u>
1988/89	Corroon and Black	\$866,048	Varied by coverage	Varied by coverage	Not Applicable
1989/90	Note: C&B put on notice that we were comparing a quote from the MML. Corroon and Black	\$729,286	Varied by coverage	Varied by coverage	Not Applicable
1990/91	Note: RFP from C&B, MML, and MMRMA. MMRMA	\$495,599	\$100,000	\$10 mil	\$50,000
1991/92	Note: RFP from C&B, MML, and MMRMA. MMRMA	\$519,586	\$100,000	\$10 mil	\$50,000
1992/93	NOTE: RFP from MML and MMRMA. (C&B declined to bid) MMRMA	\$467,300	\$150,000	\$10 mil	\$50,000
1993/94	NOTE: RFP for 3 year contract from MML, MMRMA, Johnson & Higgins, and Sedgwick James MMRMA	\$296,804	\$250,000	\$10 mil	\$55,615
1994/95	MMRMA	\$314,767	\$250,000	\$10 mil	\$60,921
1995/96	MMRMA	\$329,818	\$250,000	\$10 mil	\$89,132
1996/97	NOTE: RFP for 3 year contract from Lademan & Youd, MMRMA, MI Community Underwriters, Ralph Wilson Agency, and Gallagher Abow. (MML, Willis Corroon, and Sedgwick James declined to bid.) MMRMA	\$294,391	\$250,000	\$10 mil	\$73,000
1997/98	MMRMA NOTE: Limits automatically increased during year at no cost.	\$292,874	\$250,000	\$10 mil \$15 mil	\$73,000
1998/99	MMRMA	\$291,761	\$250,000	\$15 mil	\$0
1999/00	NOTE: Negotiated new three year agreement with the MMRMA. MMRMA	\$262,585	\$250,000	\$15 mil	Not requested by MMRMA
2000/01	MMRMA	\$269,829	\$250,000	\$15 mil	Not requested by MMRMA
2001/02	MMRMA	\$277,297	\$250,000	\$15 mil	Not requested by MMRMA
2002/03	NOTE: Negotiated a new two year agreement with MMRMA. MMRMA	\$282,096	\$500,000	\$15 mil	\$118,640
2003/04	MMRMA	\$282,096	\$500,000	\$15 mil	\$30,800

Cost Comparisons

<u>Coverage</u>	<u>MMRMA</u>	<u>GALLAGHER</u>	<u>WILSON</u>	<u>LADEMAN</u>	<u>MCU</u>
Liability	294,491	224,000	284,589	336,416	345,837
Property	Included	25,159	Included	Included	Included
Crime	Included	1,502 (1)	1,502 (1)	1,502 (1)	Included
Vehicle	Included	Included	Included	Included	Included
Boiler	Included	2,536 (1)	2,536 (1)	2,536 (1)	Included
Base Bid Quote	294,491	253,197	288,627	340,454	345,837
Prior Acts	Included	Included	Included	Included	26,120
Safety Fees	Included	4,600 (2)	1,000 (2)	1,000 (2)	Included
Claims Adm.	Included	36,822 (2)	40,000 (2)	40,000 (2)	20,000 (2)
Risk Mgmt Fees	4,000 (2)	Included	Included	Included	Included
Finance Charge	Included	5,513	Included	Included	Included
Total Adjusted Quotes	298,491	300,132	329,627	381,454	391,957
Fiduciary, UST (3)	22,600	22,600	22,600	22,600	22,600
Total:	321,091	322,732	352,227	404,054	414,557

(1) Costs are "Shared" insurance markets. (See pre-qualification process)

(2) Fee estimates are consultants opinion based on available facts.

(3) All bidders "shared" the Fiduciary Liability, Underground Storage Tank Liability.

Coverage

While the rates were competitive, there were significant deviations from the current insurance program. The proposals have been briefly listed for comparison purposes.

Abbreviations for list:

(A)	C.M. Althoff	(Y)	Yes
(G)	Gallagher ABOW	(N)	No
(W)	Ralph Wilson	(R)	Limits and /or coverage is less than current insurance.
(L)	Lademan & Youd	(E)	Limits and/or coverage are more than current.
(M)	Michigan Community Underwrites		
(U)	Available but not quoted.		

Bid Coverage or Terms Itemized	<u>A</u>	<u>G</u>	<u>W</u>	<u>L</u>	<u>M</u>
Annual Aggregate Stop Loss Retention	Y	R	N	Y	Y
Employee Benefits Insurance Occurrence Basis	Y	N	Y	Y	Y
Municipal Engineers E & O Liability	Y	R	Y	R	N
Failure to Supply Water, Gas or Electric	Y	Y	N	R	N
Class Action Liability	Y	R	R	R	Y
Wrongful Entry, Eviction, or Invasion of Privacy	Y	R	Y	Y	Y
Property Limits or Terms	Y	Y	R	R	Y
Prior Act Claim- Made policies	Y	Y	Y	R	Y
Employers Liability	Y	Y	Y	Y	R
Zoning, Condemnation, Inverse Condemnation	Y	R	N	R	Y
Coverage From Criminal Acts of Employees	Y	R	Y	N	Y
Uninsured Motorist	Y	E	Y	Y	Y
Broadcast Liability	Y	Y	Y	Y	U
Fireworks	Y	R	Y	Y	R

The broadest insurance protection continues to be the MMRMA.

ATTACHMENT #3:

Listing of MMRMA member cities throughout the State of Michigan.

Algonac	Northville
Alma	Orchard Lake Village
Bay City	Owosso
Belleville	Parchment
Bloomfield Hills	Pinconning
Carson	Pleasant Ridge
Cheboygan	Pontiac
Clawson	Port Huron
Davison	Portage
Dearborn Heights	River Rouge
Dowagiac	Riverview
Eastpointe	Rochester Hills
Escanaba	Royal Oak
Essexville	Sandusky
Farmington Hills	Scottville
Farmington	South Haven
Ferndale	Southfield
Garden City	Southgate
Gladstone	Springfield
Grand Ledge	St. Clair Shores
Grand Rapids	St. Ignace
Hazel Park	St. Joseph
Howell	Sylvan Lake
Huntington Woods	Troy
Iron Mountain	Wayne
Ironwood	Westland
Ishpeming	Whitehall
Kalamazoo	Wixom
Keego Harbor	Wyoming
Lake Angelus	
Livonia	
Ludington	
Madison Heights	
Manton	
Mason	
Mt. Clemens	
Mt. Pleasant	
Muskegon	
Negaunee	
New Buffalo	

ATTACHMENT #4:

Listing of the Top Ten Oakland County communities ranked by population that are MMRMA members.

<u>COMMUNITY</u>	<u>DATE JOINED</u> <u>MMRMA</u>
City of Southfield	September 1, 1985
City of Farmington Hills	June 10, 1985
City of Troy	November 8, 1990
City of Pontiac	July 1, 1985
Waterford Township	December 15, 1983
City of Royal Oak	May 31, 1985
City of Rochester Hills	July 27, 1985
Bloomfield Township	August 20, 1997
West Bloomfield Township	July 27, 1985
City of Madison Heights	July 1, 1986



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Carolyn F. Glosby, Assistant City Attorney
DATE: February 25, 2004
SUBJECT: Nancy Cook v. City of Troy and Ronald Makowski

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Nancy Cook. According to the complaint, Ms. Cook sustained a fall on the sidewalk at 561 Burtman Street, of the home owned by co-defendant, Ronald Makowski. This fall allegedly occurred on October 18, 2003. The complaint alleges that the City is liable for her injuries under the defective highway exception to governmental immunity. The complaint alleges that the sidewalk was not kept in reasonable repair, due to "cracked and raised cement." The elevation of the sidewalk at 561 Burtman was approximately one inch. By statute, a discontinuity of less than two inches creates a rebuttable presumption of reasonable repair.

Ms. Cook's damages are described in the complaint as a broken nose, "bodily pain, disability and mental anguish." She is seeking damages in excess of \$25,000, the circuit court jurisdictional limit. Our office will defend the City of Troy absent contrary direction. If you have any questions concerning the above, please let us know.



FILED JUDGE RICHARD D. KUHN
UNIT: COOK, NANCY, V TROY CITY

STATE OF MICHIGAN

JUDICIAL DISTRICT
6th JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

Court address 1200 N. Telegraph Road, Pontiac, MI 48341

(248) 858-1000

Plaintiff name(s), address(es), and telephone no(s).

NANCY COOK,

v

Defendant name(s), address(es), and telephone no(s).

CITY OF TROY, A Municipal Corporation
& RONALD MAKOWSKI,

Defendant, CITY OF TROY

Plaintiff attorney, bar no., address, and telephone no.

FRANK R. LANGTON & ASSOCIATES, P.C.

By: FRANCIS A. AMICONE P42040

33200 Dequindre, Suite 100

Sterling Heights, MI 48310

(586) 268-8200

City of Troy
City Attorney's Office

FEB 9 2004 AM 10:36

72-Z
City Clerk
City Mgr.
City Atty
Risk Mgmt.
DPW
MMRMA

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued JAN 21 2004

This summons expires APR 21 2004

Court clerk

G. WILLIAM CADDELL

*This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village)

Clawson, Oakland County, MI

Defendant(s) residence (include city, township, or village)

Troy, Oakland County, MI

Place where action arose or business conducted

Troy, Oakland County, MI

Date

1-19-04

Signature of Attorney/plaintiff Francis A. Amicone P42040

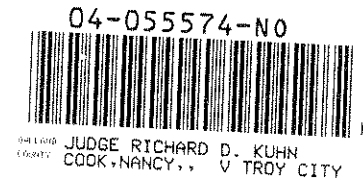
If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
RECEIVED FOR FILING
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NANCY COOK, 2004 JAN 21 P 1:51

Plaintiff
OAKLAND COUNTY CLERK
BY: _____
DEPUTY COUNTY CLERK

vs.



CITY OF TROY, A Municipal Corporation
and RONALD MAKOWSKI,

Defendants.

*There is no other pending or resolved civil
action arising out of the transaction or
occurrence alleged in the complaint.
MCR 2.113(a).*

FRANK R. LANGTON & ASSOCIATES, P.C.

By: FRANCIS A. AMICONE P42040

Attorney for Plaintiff

33200 Dequindre, Suite 100

Sterling Heights, MI 48310

(586) 268-8200

PLAINTIFF'S COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, **NANCY COOK**, by and through her attorneys,

FRANK R. LANGTON & ASSOCIATES, P.C., and for her cause of action against the **CITY OF TROY**, a Municipal Corporation, and **RONALD MAKOWSKI**, states unto this Honorable Court as follows:

1. That the Plaintiff herein, **NANCY COOK**, is a resident of the City of Clawson, County of Oakland, State of Michigan.
2. That the Defendant herein, **CITY OF TROY**, is a Municipal Corporation which exercises governmental authority in the County of Oakland, State of Michigan, and

the Defendant, **RONALD MAKOWSKI**, at all times relevant hereto, is a resident of the City of Troy, County of Oakland, State of Michigan, and did own a certain home located at 561 Burtman Street, Troy, MI.

3. That the amount in controversy in this litigation, exceeds the sum of Twenty Five Thousand (\$25,000.00) Dollars, exclusive of costs, interest and attorney fees.
4. That at the time of the occurrence herein, and for a long time prior thereto, Defendant, **CITY OF TROY**, had and still has control and jurisdiction of a certain sidewalk in the City of Troy, at a point adjacent to the side of the property located at 561 Burtman, in the City of Troy, and that further, the Defendant **CITY OF TROY**, had a duty to maintain and fulfill its duty to maintain the aforesaid sidewalk in reasonable repair. That further, at all times pertinent hereto, the Defendant, **RONALD MAKOWSKI**, was the owner of the premises, located at 561 Burtman St., in the City of Troy, and that further, he had control of sidewalks both in the front and in the side of the aforesaid property, and as the owner of the adjacent premises, had a duty to maintain said property in reasonable repair and in a safe manner for those who may be lawfully upon said sidewalk.
5. That on or about the 18th day of October, 2003., at or about the hour of 8:30 p.m. your Plaintiff was lawfully upon the sidewalk in front of and parallel to the aforesaid property, at 561 Burtman St., walking along said street in the City of Troy, and as a direct and proximate result of the negligence of both your Defendants herein, and their failure to maintain the aforesaid sidewalk in reasonable repair, she was caused to have tripped and fallen upon a broken piece of sidewalk, thereby causing her to stumble and be thrown to the ground with great force and violence, therein causing

her to have suffered severe bodily injuries as hereinafter specified.

6. That the cracked and raised cement, which the Plaintiff did trip and fall and caused her to sustain injury, had existed for a long period of time prior to the Plaintiff's accident, and that the Defendants, each of them, knew or should have known in the exercise of ordinary care that said raised cement was existent prior to the Plaintiff's accident, and each of the Defendants had reasonable opportunity to repair the same.
7. That at the time of the occurrence and prior thereto, the Defendants, **CITY OF TROY**, by its officers, agents and employees, and/or **RONALD MAKOWSKI**, were guilty in one or more of the following negligent acts or omissions or statutory violations thereto, including:
 - a. Failing to inspect, discover and correct public sidewalks in a safe condition, pursuant to their statutory duty of MCL 691.1402(1);
 - b. Allowing said cracked cement to remain on said public sidewalk, although they had known or had notice thereof, or in the exercise of ordinary care could have acquired such notice thereof;
 - c. Allowing said cracked cement to remain on said sidewalk without barrier or warning to persons using said area;
 - d. Failing to maintain said public sidewalk in reasonable repair so as to be reasonably safe and convenient for public travel as required by common law and statutes of the State of Michigan, and charter and code, in the City of Troy;
 - e. Otherwise, negligence in their statutory duty in failing to maintain in good reasonable repair and/or to warn your Plaintiff of such defects which caused your Plaintiff to suffer injuries therein.
8. That as a direct and proximate result of the aforesaid negligent acts and omissions by the Defendants, their agents, representatives and employees, your Plaintiff was then and there injured about the head, body and limbs, as well as causing injuries both

externally and internally, and causing the Plaintiff herein to suffer with bodily pain, disability and mental anguish from the date said injuries were inflicted to the present time and that Plaintiff will continue to suffer in the future with pain, disability and mental anguish, as well as causing her to have suffered a fractured nasal bone, and that further, all said injuries are permanent and progressing in nature.

9. That as a direct and proximate result of the injuries sustained, your Plaintiff was compelled to and did pay and incur and will pay in the future, large sums of money in and about the cure and alleviation of her sufferings.
10. That your Plaintiff is claiming damages for any and all other losses and expenses and for any and all other items of damage she is found to be entitled to under the law as a result of the wrongful acts and breaches of statutory duty of the Defendants, their officers, agents and employees, on the 18th day of October, 2003, at the aforementioned time and place.

WHEREFORE, Plaintiff prays that this Honorable Court award her damages in whatever amount against the Defendants herein, in excess of Twenty Five Thousand (\$25,000.00) Dollars she is found to be entitled, together with costs, interest and attorney fees.

Respectfully submitted,

FRANK R. LANGTON & ASSOCIATES, P.C.

BY: 

FRANCIS A. AMICONE P42040

Attorney for Plaintiff

33200 Dequindre, Suite 100

Sterling Heights, MI 48310

(586) 268-8200

Dated: January 15, 2004

STATE OF MICHIGAN
RECEIVED FOR FILING
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NANCY COOK,

2004 JAN 21 P 1:51

Plaintiff, OAKLAND COUNTY CLERK

BY: _____
DEPUTY COUNTY CLERK

vs.

Case No. 04-

NO

CITY OF TROY, A Municipal Corporation
and RONALD MAKOWSKI,

Defendants.

FRANK R. LANGTON & ASSOCIATES, P.C.

By: **FRANCIS A. AMICONE P42040**

Attorney for Plaintiff

33200 Dequindre, Suite 100

Sterling Heights, MI 48310

(586) 268-8200

JURY DEMAND

NOW COMES the Plaintiff, **NANCY COOK**, by and through her attorneys,

FRANK R. LANGTON & ASSOCIATES, P.C., and hereby makes this demand for trial by
jury relative to the above captioned matter.

FRANK R. LANGTON & ASSOCIATES, P.C.

BY: _____


FRANCIS A. AMICONE P42040

Attorney for Plaintiff

33200 Dequindre, Suite 100

Sterling Heights, MI 48310

(586) 268-8200

Dated: January 15, 2004

February 24, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Cindy Stewart, Community Affairs Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 2: Bid Award – Lowest Bidder
Meeting Specifications – Printing of Troy Today, Quarterly Newsletter

RECOMMENDATION

Bid proposals to furnish printing of the quarterly newsletter Troy Today for one (1) year with an option to renew for two (2) additional one-year periods were opened on February 11, 2004. City management recommends a contract be awarded to the lowest acceptable bid received from Grand River Printing & Imaging, 22153 Telegraph Southfield, MI 48034, 248-356-9766 at an estimated annual cost of \$66,970.00, plus additional charges as needed at unit prices contained in the attached bid tabulation dated 2/11/04 and the actual cost of bulk rate postage.

ADDITIONAL INFORMATION

The Troy Today is mailed to all households four (4) times per year to publicize City information; phone numbers; Parks & Recreation, Library, Museum and Nature Center classes and special events. It maintains regular features including road and infrastructure construction maps, development news, Council meeting schedules, Police and Fire tips and other special programs.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

Grand River Printing & Imaging submitted an alternate bid on 50# offset text stock. Staff feels the 50# weight would not withstand the pullout registration forms that are included in the newsletter, and therefore specified a 60# paper stock.

In addition, Econ Marketing Services failed to provide the \$1,500.00 bid deposit check to insure the bid, as specified. Therefore, their total bid amount of \$154,000.00 was not tabulated.

BUDGET

Funds are available in the Community Affairs Printing Account #748.7901, Library Printing Account #790.7901 and the Parks & Recreation Printing Account #752.7901.

159 Vendors Notified via MITN System

14 Bid Responses Rec'd

2 Bids did not meet specifications

8 No Bids: (2) Companies had scheduling conflicts.

(1) Company could not be competitive.

(3) Companies felt the job was too large and could not meet turnaround times and still be competitive.

(2) Companies indicated the job was too large.

City Clerk



Memo

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk

Date: February 25, 2004

Re: City Council Agenda Item - Ratification of Chapter 10, Employee Retirement System

Chapter 10, Employees Retirement System did not receive proper newspaper publication as required by City Charter Section 5.4.

Placement on the March 1, 2004 City Council is needed for Ratification of their previous adoption. The attached redlined ordinance is as approved by Council at their February 2, 2004 Regular City Council Meeting.

Chapter 10 Employees Retirement System

CHAPTER 10 - EMPLOYEES RETIREMENT SYSTEM

1. **Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (A) Accumulated contributions means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's deposit fund, together with regular interest thereon.
 - (B) Beneficiary means any person, except a retirant, who is in receipt of, or who has entitlement to, a pension or other benefit, payable from the funds of the retirement system.
 - (C) Board of trustees or board means the board of trustees provided for in this chapter.
 - (D) Compensation means the salary or wages paid an employee for personal services rendered by him to the city. The term shall not include allowances for clothing, equipment, travel and similar items, nor shall it include the payment of sick or vacation leave that is made because of termination or retirement.
 - (E) Council means the legislative body of the City of Troy.
 - (F) Credited service means the total of a member's service, to the extent such service is credited to him by the board of trustees.

(Rev. 7-26-93)
 - (G) Employee means any person in the employ of the city.
 - (H) Final average compensation means the average of the annual compensation paid a member during the three (3) highest calendar years of his service contained within the last ten (10) calendar years, immediately preceding termination of his last employment with the City.

(Rev. 11-6-00)
 - (I) Member means any employee who is included in the membership of the retirement system.
 - (J) Pension means an annual amount payable by the retirement system throughout the future life of a person or for a temporary period as provided in this chapter. All pensions shall be paid in equal monthly installments.
 - (K) Pension reserve means the present value of all payments to be made on account of any pension, computed on the basis of such mortality and other tables of experience, and regular interest, as the board of trustees shall from time to time adopt.
 - (L) Regular interest means such rate of interest per annum, compounded annually, as the board of trustees shall from time to time adopt.
 - (M) Retirant means any member who retires with a pension payable from funds of the retirement system.

Chapter 10 Employees Retirement System

- (N) Retirement means a member's withdrawal from the employ of the city with a pension payable from the funds of the retirement system.
- (O) Retirement system or system means the city employees retirement system created and established by this chapter.
- (P) Service means personal service rendered to the city by an employee of the city.

(Rev. 2-11-91)

- 2. Board of Trustees. The Board of Trustees is vested with the power and authority to administer, manage and operate the retirement system, and to construe and make effective the provisions of this Chapter. The Board shall consist of ~~seven~~ eight trustees as follows:

(Rev. 02-02-04)

- (A) The City Manager, by virtue of his position.
- (B) The Assistant City Manager/Finance & Administration, by virtue of his position.

(Rev. 11-6-00)

- (C) A member of Council selected by the Council.

(Rev. 2-28-94)

- (D) A citizen, who is an elector of the City, and who is not a member, retirant or beneficiary of the retirement system, and who is not a member of the Council, to be appointed by the Council.

(Rev. 9-11-78)

- ~~(E) Three members of the retirement system to be elected by the members of the system in accordance with such rules and regulations as the Board shall from time to time adopt to govern such elections.~~

- ~~(F) A retiree member in the Defined Benefit plan, who shall be appointed by the City Manager Council, and shall serve as a non-voting member.~~

- ~~(g) Of the five employee members, two must be in the Defined Benefit plan. A minimum of two of the five member trustees, as set forth in paragraphs A, B or E, must be a member of the Defined Benefit plan.~~

~~(Rev. 3-19-79) (Rev. 02-02-04)~~

Chapter 10 Employees Retirement System

3. Terms of Office. The regular term of office for the appointed citizen, the 3 member trustees, and the Council trustee, shall be 3 years.

(Rev. 2-28-94)

Vacancy of Board

- 3.4 If a member trustee leaves the employ of the City he shall be considered to have resigned from the Board and the vacancy shall be filled for the unexpired portion of the term.

(Rev. 2-11-91)

Board Quorum, Vote, Meetings, Proceedings

- 3.5 Four trustees shall constitute a quorum at any meeting of the Board of Trustees. Each trustee shall be entitled to one vote on each question before the Board and at least four concurring votes shall be required for a decision by the Board. The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. The Board shall adopt its own rules of procedure.

(Rev. 2-11-91)

Board Chairman, Retirement System Officers, Employees

- 3.6 (A) The Board of Trustees shall designate from its own number a Chairman and a Vice-Chairman.
- (B) The City Treasurer shall be the Treasurer of the Retirement System.
- (C) The Assistant City Manager/Finance & Administration shall be the Administrative Officer and serve as secretary of the Retirement System and he shall be the custodian of its money and investments.
- (Rev. 11-6-00)
- (D) The City Attorney shall be the Legal Advisor to the Board of Trustees.
- (E) The Board of Trustees shall designate an actuary who shall be the Technical Advisor to the Board and who shall perform such other duties as are required of him under this Chapter.
- (F) The Board of Trustees may employ such other services as are approved by the City Manager and authorized by the Council.

(Rev. 6-7-99)

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Records, Annual Reports

- 3.7 The Administrative Officer shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the Retirement System.

(Rev. 9-23-74)

Experience Tables, Regular Interest, Adoption Of

- 3.8 The Board of Trustees shall from time to time adopt such mortality and other Tables of Experience, and a rate of regular interest, as are required in the proper operation of the Retirement System; provided, that no such rate of regular interest shall exceed seven percent per annum, compounded annually.

(Rev. 2-4-80)

4. **Membership.** The membership of the Retirement System shall include only those persons who are classified as full time on the records of the Human Resources Department of the City, and shall specifically exclude but not be limited to the following: (1) any employee who is employed by the City in a position normally requiring less than 1,000 hours of work per annum, (2) any person whose services are compensated on a contractual or fee basis, (3) volunteer firefighters as such, (4) elected officials of the City, and (5) employees classified as part time, seasonal or temporary, on the records of the Human Resources Department of the City regardless of the number of hours actually worked by the employee in any calendar year.

In any case of doubt as to the membership status of any employee, the Board shall decide the question.

(Rev. 1-22-01)

Termination of Membership

- 4.2 Should any member cease to be employed in a position covered by the Retirement System he shall thereupon cease to be a member and his credited service at that time shall be forfeited, unless otherwise provided in this Chapter. If he is re-employed by the City in a position covered by the system he shall again become a member. Should his re-employment occur within a period of 5 years from the date he last ceased to be a member, his credited service last forfeited by him shall be restored to his credit, provided he immediately returns to the Members Deposit Fund the amount, if any, he withdrew therefrom, together with regular interest thereon from the date of withdrawal to the date of repayment. Upon a member's retirement, he shall cease to be a member of the system.

(Rev. 2-11-91)

Service Credit

- 4.3 The Board shall fix and determine by appropriate rules and regulations the amount of service to be credited any member; provided, that in no case shall less than 10 days of service rendered by him in any calendar month be credited as a month of service, nor shall less than 10 months of service rendered by him in any calendar year be credited as a year of service, nor shall more than 1 year of service be credited any member for all service rendered by him in any calendar year.

(Rev. 8-7-67)

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- 4.4 Military Service Credit. If an employee of the City, who while employed by the City, enters the Armed Forces of the United States during any period of compulsory military service, such armed service shall be credited him as City service; provided, that (1) he re-enters the employ of the City, in a position covered by this retirement system, within 6 months from and after termination of such armed service actually required of him, and (2) he pays into the Members Deposit Fund the amount, if any, he may have withdrawn therefrom, together with regular interest from the date of withdrawal to the date of repayment, and (3) in no case shall any member be credited with more than 5 years of service for all such armed service rendered by him. In any case of doubt as to the period to be so credited any member, the Board of Trustees shall have final power to determine such period.

(Rev. 2-11-91)

- 4.5 Additional Service Credits. Any person (having been first employed by the City prior to January 22, 2001) who is in the active employ of the City as of the date of enactment of this provision, and who currently is or has previously been excluded from membership in the Retirement System pursuant to the provisions of Section 4(1) (solely due to being employed by the City in a "part time" position normally requiring less than 1,000 hours of work per annum), shall be subject to the following additional provisions:
- (A) Any such employee who as of the date of enactment of this provision has completed five (5) or more consecutive years of service in such part time position, shall immediately be eligible to become a member of the Retirement System and receive credit for such service; provided that during each such year he or she performed services in at least 10 months and completed at least 1,000 hours of work, and that such consecutive period of service is continuing as of the date of enactment of this provision.
 - (B) Any such employee who after the date of enactment of this provision (and prior to January 21, 2006), completes a minimum of five (5) consecutive years of service in such part time position, shall be eligible to become a member of the Retirement System and receive credit for such service, effective as of their completion of such period of service; provided that during each such year he or she performed services in at least 10 months and completed at least 1,000 hours of work.
 - (C) Any such employee who currently is or otherwise becomes a member of the Retirement System pursuant to Section 4 (due to a change in job classification), and who previously was excluded from membership as a part time employee, shall be eligible to receive credit for years of service completed in such part time position, effective as of the later of the enactment of this provision or their otherwise becoming a member; provided that only the consecutive period of service (during each year of which he or she performed services in at least 10 months and completed at least 1,000 hours of work) that commenced prior to January 22, 2001, and that was continuing at the date they became a member shall be so credited.
 - (D) An employee referred to in (A) or (B) above, shall continue to be a member and receive credit for service only for such period as he or she continues to perform services in at least 10 months complete at least 1,000 hours of work in any year. An employee referred to in (C) above, shall continue to be a member and receive credit for service only for such period that he or she continues to be employed in a position that otherwise qualifies them for membership pursuant to the provisions of Section 4. All such employees shall be subject to the break-in-service provisions of Section 4.2, and the vesting requirements of Sections 6 and 57. In no event shall any year of service be

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counted more than once pursuant to these provisions.

- (E) If the first period for which an employee receives service credit hereunder occurs prior to January 1, 1998, such credited service shall be applied towards determining the amount of pension under Section 6.1 to which the employee may become entitled upon retirement; provided that the value of such pension may be transferred to the Defined Contribution Plan in accordance with such procedures as the Board may determine. If the first period for which an employee receives service credit hereunder occurs on or after such date, the Board shall determine (and the City shall contribute) those amounts that would otherwise have been required to be contributed on such employee's behalf under Section 55 with respect to such years.
- (F) Notwithstanding any provision in this Chapter to the contrary, for purposes of calculating the amount of benefit (under Section 6.1) or contribution (under Section 55) to which a member is entitled with respect to each year of credited service referred to in (A), (B), (C) and (D) above, the benefit or contribution otherwise due pursuant to this Chapter shall be prorated for each such year based on the actual number of hours worked during such year, as determined from the following schedule:

<u>Hours Worked</u>	<u>Year of Service Credit</u>
1,000 to 1,499	50%
1,500 to 1,999	75%
2,000 and over	100%

- (G) In order to become a member and/or receive service credits in accordance with this provision, an eligible employee must elect (within six (6) months of the date of enactment of this provision) to purchase such service credits, by agreeing in writing to contribute to the Retirement System those amounts that would otherwise have been required to be contributed by the employee under Section 9.1 or Section 55 with respect to such years, along with such interest as the actuary and/or Board shall determine is appropriate. Such amounts shall be deducted from payroll in accordance with such procedures as the Board may determine, provided that all amounts due shall be contributed into the Retirement System no later than the time the employee terminates his employment with the City. Failure to contribute such amounts in a timely manner will result in forfeiture of such service credits.

(Rev. 01-14-02)

- 4.6 Prior Governmental Retirement Service. A member of the Employees Retirement System may be eligible for prior governmental retirement service credit if all of the following requirements are satisfied:
- (A) The member must be still actively employed by the City of Troy.
- (B) The member must have a minimum of 60 months of credited service acquired as a member of the Troy Employees Retirement System.
- (C) The member must have attained the age requirements for the Troy Employees Retirement System.
- (D) The member must have previously acquired credited service as a member of another official governmental retirement system.

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If all of the above requirements are satisfied, then a member who has not yet met the service requirements for the Troy Employees Retirement System shall be entitled to use his or her credited service from another official governmental retirement system for eligibility purposes only.

(Rev. 10-07-02)

5. Voluntary Retirement. Any member, who has attained age 55 years and has 10 or more years of credited service in force, may retire upon his written application filed with the Board of Trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired.

- 5.1 Normal Retirement. Normal Retirement age is 65 years. If a member who is separated from City employment on or after his attainment of age 65 years has 10 or more years of credited service in force, he shall be retired.

(Rev. 11-7-88)

6. Deferred Retirement. In the event a member who has 10 or more years of credited service leaves the employ of the City before he is eligible to retire, he shall be entitled to a pension computed according to the provisions of this chapter in force at the time of said member's separation from City employment; provided, that he does not withdraw his accumulated contributions from the Members Deposit Fund. His said pension shall begin the first day of the calendar month next following the month in which he files his application for same with the Board of trustees on or after his attainment of age 60 years.

(Rev. 4-20-92)

- 6.1(A) Straight Life Pension. Upon a member's retirement, as provided in this Chapter, if he has less than 27 years service, he shall receive a straight life pension equal to a percent of an amount computed by multiplying the number of years, and fraction of a year, of his credited service by 2.25 percent of his final average compensation listed below. Such percent shall be equal to 70 percent increased by 1/2 of 1 percent for each full month by which the member's age at the time of retirement exceeds 55 years. Provided, in no event shall such percent exceed 100 percent, and, provided that in case of disability retirement or death pension the percent shall be 100 percent. For [Troy Police Officers Association \(TPOA\)](#) members, the percent of [Final Average Compensation \(FAC\)](#) will be 2.8% for the first 25 years and 1% per year thereafter.

~~(Rev. 11-6-00)~~ (Rev. 02-02-04)

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- 6.1(B) Age and Service Retirement. Upon a member's retirement, as provided in this Chapter, if he has 27 or more years service, he shall receive a straight life pension equal to an amount computed by multiplying the number of years, and fraction of a year, of his credited service by 2.25%. For [Troy Police Officers Association \(TPOA\)](#) members, the percent of [Final Average Compensation \(FAC\)](#) will be 2.8% for the first 25 years and 1% per year thereafter.

~~(Rev.11-6-00)~~ (Rev. 02-02-04)

- 6.1(C) A member who has 27 or more years service may retire on or after his attainment of age 50. [Troy Police Officers Association \(TPOA\)](#) and [Troy Command Officers Association \(TCOA\)](#), and [Troy Fire Staff Officers Association \(TFSOA\)](#) members retiring after July 1, 1998 may retire as an age and service retirement after the attainment of 25 years of service. ~~A Classified and Exempt member~~s may retire as an age and service retirement after the attainment of age 55 and 25 years of service.

~~(Rev. 11-3-97)~~ ~~(Rev. 02-02-04)~~

- 6.1(D) Supplemental Retirement. All members excluding [Troy Police Officers Association \(TPOA\)](#) shall receive an additional pension from age 50 to age 62 to equal the amount it would have been if the percentages in the formulas in subsections A or B above were .25% greater.

~~(Rev.11-6-00)~~ (Rev. 02-02-04)

- 6.2 Terminal Payments. If a retirant dies before he has received in straight life pension payments an aggregate amount equal to his accumulated contributions standing to his credit in the members deposit fund at the time of his retirement, the difference between his accumulated contributions and the aggregate amount of straight life pension payments received by him shall be paid to such person as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person surviving the retirant, the difference, if any, shall be paid to his estate.

(Rev. 2-11-91)

Pension Options.

- 6.3 Prior to the receipt of his first retirement payment, but not thereafter, a member may elect to receive his pension as a straight life pension payable throughout his life; or, he may elect to receive the actuarial equivalent, at that time, of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of Option A thru D as set forth below:

Option A. Joint and Survivor Pension: Upon the death of a retirant who elected Option A, his reduced pension shall be continued throughout the life and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees.

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Option B. Modified Joint and Survivor Pension: Upon the death of a retirant, who elected Option B, one-half of his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees.

Option C. Joint and Survivor Pension (pop-up A): Upon the death of a retirant who elected Option C, his reduced pension shall be continued throughout the life and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If the selected beneficiary predeceases the retirant, the pension shall revert to a straight-life pension payable throughout the remainder of his life.

Option D. Modified Joint and Survivor Pension (pop-up B): Upon the death of a retirant who elected Option D, one-half of his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If the selected beneficiary predeceases the retirant, the pension shall revert to a straight-life pension payable throughout the remainder of his life.

(Rev. 11-2-87)

- 7.1A Upon the application of an Exempt, Classified, or [Michigan Association of Police \(MAP\)](#) member, or his department head, who is below age 60 or who does not otherwise qualify for retirement, who (1) is in the employ of the City, (2) has 10 or more years of credited service [for [American Federation of State, County, and Municipal Employees \(AFSCME\)](#) employees hired after 2/12/96, or [Michigan Association of Police \(MAP\)](#) members who have 5 or more years of credited services as of 8/7/1995], (3) becomes totally and permanently incapacitated for full time work, by reason of a personal injury or disease, and is in receipt of disability benefits from Social Security, or has received a favorable determination letter with a current effective date for the commencement of disability benefits under Social Security, may be retired by the Board of Trustees; provided, that after a medical examination of the member made by or under the direction of a Medical Committee consisting of 2 physicians, 1 of whom shall be named by the Board, and 1 by the member, the said Medical Committee reports to the Board, in writing, (1) that the member is mentally or physically totally incapacitated for full time work, (2) that his incapacity will probably be permanent, and (3) that the member should be retired. In the event that the 2 physicians constituting the Medical Committee do not agree in their findings, then the Board may, in its discretion, appoint a third physician to examine the member and based upon the report, in writing, of the third physician, the Board may retire the member.

The 10 years credited service requirement contained in this section shall be waived in the case of a member whom the Board finds (1) to be totally and permanently incapacitated for full time work as a natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty in the employ of the City and (2) to be in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

~~(Rev. 04-22-96)~~ (Rev. 02-02-04)

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- 7.1B Upon the application of an [American Federation of State, County, and Municipal Employees \(AFSCME\)](#), [Troy Police Officers Association \(TPOA\)](#), or [Troy Command Officers Association \(TCOA\)](#) member, or his department head, who is below age 60 or who does not otherwise qualify for retirement, who (1) is in the employ of the City, (2) has 5 or more years of credited service, and (3) becomes totally and permanently incapacitated for duty in the employ of the City, by reason of a personal injury or disease, may be retired by the Board of Trustees; provided, that after a medical examination of the member made by or under the direction of a Medical Committee consisting of 2 physicians, 1 of whom shall be named by the Board, and 1 by the member, the said Medical Committee reports to the Board, in writing, (1) that the member is mentally or physically totally incapacitated for duty in the employ of the City, (2) that his incapacity will probably be permanent, and (3) that the member should be retired. In the event that the 2 physicians constituting the Medical Committee do not agree in their findings, then the Board may, in its discretion, appoint a third physician to examine the member and based upon the report, in writing, of the third physician, the Board may retire the member. The 5 years credited service requirement contained in this section shall be waived in the case of a member whom the Board finds (1) to be totally and permanently incapacitated for duty in the employ of the City as a natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty in the employ of the City and (2) to be in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

~~(Rev.09-25-95)~~ (Rev. 02-02-04)

7.2 Disability Pension

- (A) Upon retirement of a member on account of disability, as provided in this Chapter, he shall receive a pension computed in accordance with the provisions of this Chapter; provided, that his straight life disability pension shall not be less than the amount it would be if he had 10 years of credited service.
- (B) [Troy Police Officers Association \(TPOA\) Duty Disability](#). Upon the retirement of a member of the Troy Police Officers Association ([TPOA](#)) on account of disability, as provided in this Chapter, he shall receive a pension of not less than two-thirds of his final average compensation during the period he is in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

~~(Rev.06-20-83)~~ (Rev. 02-02-04)

Re-examination of Disability Retirant

- 7.4 At least once each year during the first 5 years following a member's retirement on account of disability, and at least once in every 3 year period thereafter, the Board of Trustees may, and upon the retirant's application shall, require any disability retirant who has not attained age 55 years undergo a medical examination to be made by or under the direction of a physician designated by the Board. If the said retirant refuses to submit to such medical examination in any such period, his disability pension may be suspended by the Board until his withdrawal of such refusal. Should such refusal continue for 1 year all his rights in and to a disability pension may be revoked by the Board. If upon such medical examination of said retirant, the said physician reports to the Board that the said retirant is physically able and capable of resuming employment with the City he shall be returned to City employment and his disability pension shall terminate; provided, that the report of the said physician is concurred in by the Board. In returning the said

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retirant to City employment reasonable latitude shall be allowed the City in placing him in a position commensurate with his type of work and compensation at the time of his retirement.

(Rev. 5-10-65)

- 7.5 A disability retirant who is returned to City employment shall again become a member of the retirement system. His credited service at the time of his retirement shall be restored to full force and effect. He shall be given service credit for the period he was in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment; otherwise he shall not be given service credit for such period.

(Rev. 8-7-67)

- 7.6 If a disability retirant, who has not attained age 55 years become engaged in gainful occupation, business, or employment paying him more than the difference between his annual rate of compensation at the time of his retirement and his disability pension, his pension shall be reduced to an amount which together with the amount so earned by him shall equal but not exceed his annual rate of compensation. Should the retirant's earnings change, the reduction of his pension shall be adjusted accordingly.

(Rev. 2-11-91)

8. Duty Death Pension. If a member dies as the result of personal injury or disease arising solely and exclusively out of and in the course of his employment with the City, and such death, or injury or disease resulting in such death, be found by the Board of Trustees to have been the result of his actual performance of duty in the employ of the City, the benefits provided in this section shall be paid, subject to the condition that workmen's compensation becomes payable on account of the death of the member.

- (A) His widow shall receive a pension computed as if the member had (1) retired the day preceding the date of his death, notwithstanding that he might not have been otherwise eligible to retire, (2) elected Option A and (3) nominated his widow as beneficiary; provided, that the pension shall not be less than 25 percent of the member's final average compensation. For [Troy Command Officers Association \(TCOA\)](#) and [Troy Police Officers Association \(TPOA\)](#), and [Troy Command Officers Association \(TCOA\)](#), and [Troy Fire Staff Officers Association \(TFSOA\)](#) members retiring after July 1, 1998, the percent will be 50 instead of 25.

~~(Rev. 11-03-97)~~ (Rev. 02-02-04)

- (B) If there be no widow, or if the widow's pension shall cease, for any reason, the member's dependent children shall share equally in a pension equal to 25 percent of the member's final average compensation. Each child's pension shall terminate when the child has either died, married, or attained age 18 years.
- (C) As used in this section, the term "Widow" means any person to whom the member was married at the time his employment with the City is terminated.

- 8.1 Non-Duty Death Pension. If any member who has 10 or more years of credited service and dies while in the employ of the City, his or her spouse shall receive a pension computed in the same manner in all respects as if the member had (1) retired the day preceding the date of death, notwithstanding that the member might not have been otherwise eligible to retire, (2) elected Option A, and (3) nominated the member's spouse as beneficiary.

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(Rev. 1-23-95)

9. Members Deposit Fund. The Members Deposit Fund shall be the fund in which shall be accumulated, at regular interest, the contributions of members, and from which shall be made refunds and transfers of accumulated contributions, as provided in this Chapter.

~~(Rev. 08-07-67)~~ (Rev. 02-02-04)

- 9.1 Members Contributions. A members contribution to the retirement system shall be based on the following percent of compensation: Michigan Association of Police (MAP) 1.50; Troy Police Officers Association (TPOA); 4.00, Troy Command Officers Association (TCOA) 3.00; Classified and Exempt 1.00; American Federation of State, County, and Municipal Employees (AFSCME) 1.50; and Troy Command Officers Association (TCOA), and Troy Fire Staff Officers Association (TFSOA) 4.00.

~~(Rev. 11-6-00)~~ (Rev. 02-02-04)

- 9.2 Payroll deductions. The contributions provided for in this Chapter shall be deducted from the compensations of each member on each and every payroll, for each and every payroll period, from the date of his entrance in the retirement system to the date his City employment terminates. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of his compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by him during the period covered by such payment, except as to benefits provided by this Chapter. When deducted, each of said contributions shall be credited to the member's individual account in the Members Deposit Fund.

(Rev. 4-20-92)

- 9.5 Contributions Transferred. Upon a member's retirement, his accumulated contributions standing to his credit in the Members Deposit Fund shall be transferred to the Retirement Reserve Fund. Except as otherwise provided in this Chapter, at the expiration of a period of years from and after the date a member ceases to be an employee of the City, any balance standing to his credit in the Members Deposit Fund, unclaimed by the member or his legal representative, shall be transferred to the Income Fund.

(Rev. 2-11-91)

Refund of Member's Contributions

- 9.6 Should any member cease to be employed by the City and not be entitled to a pension payable from funds of the Retirement System, he shall be paid the balance standing to his credit in the Members Deposit Fund, provided he files his written request for same.

(Rev. 4-20-92)

- 9.7 Upon the death of a member, if no pension becomes payable on account of his City employment, the balance standing to his credit in the Members Deposit Fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If no designated person or persons survives the member, his accumulated contributions shall be paid to his estate.

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(Rev. 2-11-91)

Pension Reserve Fund

- 10.1 The Pension Reserve Fund is hereby created. It shall be the fund in which shall be accumulated the contributions made by the City to the retirement system and from which shall be made transfers of pensions reserves, as provided in this section.

(Rev. 11-23-64)

- 10.2 Upon the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the pension reserves or service rendered and to be rendered by members, and the pension reserves for pensions being paid retirants and beneficiaries. The pension reserve liabilities so determined shall be financed by annual City contributions to be appropriated by the Council; said contributions:

- (A) for member's current service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City during their future service will be sufficient, at the time of their retirement, to provide the pension reserves, not financed by members' future contributions, for the portions of the pensions to be paid them based upon their future service; and
- (B) for members' accrued service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize, at regular interest, the unfunded pension reserves for the accrued service portions of the pensions to which they may be entitled upon retirement; and
- (C) For pensions being paid retirants and beneficiaries shall be a percent of the annual compensations of members which will produce an amount which if paid annually by the City over a period of years, to be determined by the Council, will amortize, at regular interest, the unfunded pension reserves for pensions being paid retirants and beneficiaries.

(Rev. 11-2-87)

- 10.3 In the event the amount appropriated in the budget in any fiscal year is insufficient to pay in full the amounts due in said year to all retirants and beneficiaries of the retirement system, the amount of such insufficiency shall thereupon be provided by the City.

(Rev. 11-23-64)

- 10.4 Upon the retirement of a member the difference between the pension reserve for the pension payable on his account and his accumulated contributions shall be transferred from the Pension Reserve Fund to the Retirement Reserve Fund.

- 10.5 Retirement Reserve Fund. The Retirement Reserve Fund shall be the fund from which shall be paid all pensions as provided in this Chapter. In the event a disability retirant returns to City employment, his pension reserve at that time shall be transferred from the Retirement Reserve Fund to the Members Deposit Fund and the Pension Reserve Fund in the same proportion as the pension reserve was originally transferred.

(Rev. 8-7-67)

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- 10.6 Income Fund. The Income Fund shall be the fund to which shall be credited all interest, dividends, and other income from investments of the retirement system; all transfers from the Members Deposit Fund by reason of lack of claimant; and all other moneys received by the retirement system, the disposition of which is not specifically otherwise provided for in this Chapter. The Board of Trustees may accept gifts and bequests. There shall be transferred from the Income Fund all amounts required to credit regular interest to the Members Deposit Fund, Retirement Reserve Fund, and Pension Reserve Fund. Whenever the Board determines that the balance in the Income Fund is more than sufficient to cover the current charges to the Fund, the Board may, by resolution provide for contingency reserves.

(Rev. 11-2-87)

11. Investment. The Board of Trustees shall be the trustees of the funds of the retirement system and shall have full power to invest and reinvest such funds as permitted by State Law.

Restricted Use of Funds

- 11.3 All moneys and investments of the Retirement System shall be held for the exclusive purpose of meeting the disbursements for pensions and other payments authorized by this Chapter and shall be used for no other purpose whatsoever.

(Rev. 11-6-00)

Assets Not Segregated

- 11.4 The Members Deposit Fund, Pension Reserve Fund, Retirement Reserve Fund, Income Fund, and any other Funds created by the Board of Trustees shall be interpreted to refer to the accounting records of the Retirement System and not to the actual segregation of the assets of the System in the said Funds.

(Rev. 11-23-64)

Allowance of Regular Interest

- 11.5 The Board of Trustees shall, at the end of each fiscal year, allow and credit regular interest to the members' individual accounts in the Members Deposit Fund computed upon their individual balances at the beginning of such fiscal year; and to the mean balances for the year in the Pension Reserve Fund and the Retirement Reserve Fund. The amounts of interest so credited shall be charged to the Income Fund. In the event the balance in the Income Fund is not sufficient to cover the amounts of interest charged to it, the amount of such insufficiency shall be transferred from the Pension Reserve Fund to the Income Fund.

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No Trustee Shall Gain From Investments

- 11.6 Except as otherwise provided in this Chapter, no trustee and no employee of the City shall have any interest direct or indirect in the gains or profit arising from any investments made by the Board of Trustees. No person directly or indirectly, for himself or as an agent or partner of others, shall borrow any moneys or investments of the Retirement System, or in any manner use the same except to make current and necessary payments as are authorized by the Board. No such person shall become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the Board. Nothing contained herein shall be construed to impair the rights of any member, retirant, or beneficiary of the Retirement System to benefits provided by the system.

(Rev. 8-7-67)

Method of Making Payments

- 11.7 All payments from moneys of the Retirement System shall be made by the City Treasurer; all payments shall have been previously authorized by a specific or continuing resolution adopted by the Board.

(Rev. 9-23-74)

Correction of Errors

- 12.1 Should any change or error in the records of the City or the Retirement System result in any person receiving from the System more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error as far as is practicable shall adjust the payment of the benefit in such manner that the actuarial equivalent of the benefit to which such person was correctly entitled shall be paid.

(Rev. 11-23-64)

Subrogation

- 12.2 In the event a person becomes entitled to a pension or other benefit payable by the Retirement System as the result of an accident or injury caused by the act of a third party, the City shall be subrogated to the rights of the said person against such third party to the extent of the benefits to which the City pays or becomes liable to pay.

Chapter 10 Employees Retirement System

Assignments Prohibited

- 12.3 The right of a person to a pension, to the return of accumulated contributions, the pension itself, any pension option, and any other right accrued or accruing to any member, retirant or beneficiary, under the provisions of this Chapter, and all moneys belonging to the Retirement System, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever and shall be unassignable, except as is specifically provided in this Chapter; provided, that if a member is covered by a group insurance or repayment plan participated in by the City, and should be permitted to, and elect to, continue such coverage as a retirant, he may authorize the Board of Trustees to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan and he may authorize the withholding of State and Federal taxes as provided by law; provided further, that the City shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant, or beneficiary.

(Rev. 10-1-79)

Fraud Penalty

- 51 Whoever with intent to deceive shall make any statement or report required under this Chapter which is untrue, or shall falsify or permit to be falsified any record or records of the Retirement System shall be subject to punishment as provided in Chapter 1.

(Rev. 2-11-91)

52. Pension Suspended. Except as otherwise provided in this Chapter, in the event a retirant or beneficiary is employed or re-employed by the City in a position which requires membership, payment of his pension shall be suspended during the period of his employment or re-employment. Upon termination of such employment or re-employment in a position which requires membership, his pension shall be re-computed, and he shall receive the new re-computed pension or his prior pension shall be resumed, whichever is the greater amount.

(Rev. 1-7-85)

53. DEFINED CONTRIBUTION PLAN (DCP)

The Employees Retirement System Board of Trustees are vested with the power and authority to administer, manage and operate the Defined Contribution Plan, and to construe and make effective the provisions of this Chapter

(Rev. 11-6-00)

54. The following groups of Employees are eligible to participate in the Plan:

Classified & Exempt, [American Federation of State, County, and Municipal Employees \(AFSCME\)](#), [Michigan Association of Police \(MAP\)](#), [Troy Command Officers Association \(TCOA\)](#), and [Troy Fire Staff Officers Association \(TFSOA\)](#), [Troy Police Officers Association \(TPOA\)](#) and [Troy Command Officers Association \(TCOA\)](#)

~~(Rev. 11-6-00)~~ (Rev. 02-02-04)

Chapter 10 Employees Retirement System

55. Contribution Provisions – The City shall contribute as follows:

The City shall contribute on behalf of each Participant (a) % of earnings for the Plan Year. Each Participant is required to contribute (b) % of earnings for the Plan Year as a condition of participation in the Plan. A Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Classified & Exempt	<u>(a) – Employer</u>	<u>(b) – Employee</u>
(Hired before 1/1/04)	12%	4%
(Hired after 1/1/04)	11%	4%
(Rev. 02-02-04)		
American Federation of State, County, and Municipal Employees (AFSCME)		
(Hired prior to 2/16/98)	12%	4%
(Hired after 2/16/98)	11%	5%
(Hired after 11/17/03)	10%	5%
(Rev. 02.02.04)		
Michigan Association of Police (MAP)		
(Hired prior to 12/21/98)	12%	4%
(Hired after 12/21/98)	11%	5%
(Rev. 02-02-04)		
Troy Fire Staff Officers Association (TFSOA)		
(Hired prior to 7/1/97)	13%	3%
(Hired after 7/1/97)	11%	5%
(Rev. 02-02-04)		
Troy Police Officers Association (TPOA)		
(Hired after 2/15/00)	11%	5%
(Rev. 02-02-04)		
Troy Command Officers Association (TCOA)		
	12%	4%
(Rev. 11-6-00) (Rev. 02-02-04)		

56. Voluntary Contributions

Each Participant may make voluntary (unmatched), after-tax contributions, subject to the limitations of Section 4.05 and Articles V and VI of the Plan.

(6-7-99)

57. Vesting Provisions

The City hereby specifies the following vesting schedule:

Each Participant who transfers from the Defined Benefit Plan shall be 100% percent vested.

For all other Participants the following vesting schedule will apply:

Chapter 10 Employees Retirement System

<u>Years of Completed Service</u>	<u>Percent Vested</u>
Three	50%
Four	75%
Five	100%

(6-7-99)

58. Loan Provisions

Loans are not permitted under the Plan.

(6-7-99)

59. Disability Pension

Participants in the DCP shall also participate in a disability plan equivalent to the defined benefit disability plan as set forth in the retirement ordinance. The City's liability for the disability benefit shall be offset by (1) an amount which may be payable pursuant to the workers' compensation act, if applicable, and (2) by the lifetime annuity value of the employee's 401 (a) defined contribution retirement account, determined as of the effective date of the employee's disability-related separation from service.

Defined contributions shall include all contributions and income accumulated in the plan account whether derived by the contributions made by the employee or employer, including any amounts transferred into the plan. While the employee is receiving disability benefits or is receiving workers' compensation the City shall contribute the employer rate as contained in the ordinance of the disabled employee's taxable wage for deposit in the DCP for the employee's benefit.

(6-7-99)

60. Non-Duty Death Provision

Participants in the DCP shall also be covered in the event of death including non-duty death with a benefit equivalent to the defined benefit plan as set forth in the retirement ordinance. The City's liability for a death benefit shall be off-set by (1) an amount which may be payable pursuant to the workers' compensation act, if applicable, and (2) by the lifetime annuity value of the employee's 401 (a) defined contribution retirement account, determined as of the effective date of the employee's death.

(6-7-99)

February 19, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

RE: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder –
Parking Lot Maintenance Program

RECOMMENDATION

On February 11, 2004, bids were received for Parking Lot Maintenance at the DPW Facility, the Nature Center, Fire Stations 1 and 6 and specific park sites. City management recommends awarding the contract to the low total bidder, Asphalt Specialists Inc., 1780 Highwood, Pontiac, MI, at an estimated total cost of \$104,290.00.

In addition, staff requests authorization and approval to change the quantity of work either additive or deductive at unit prices contained in the attached bid tabulation, not to exceed 25% of the original project cost and within budgetary limitations.

The award is contingent upon the submission of proper contract and bid documents, including bonds, insurance certificates and all other specified requirements. The program was bid on a low total award basis due to bonding requirements and contract size. The contract is too small to be subdivided.

SUMMARY

The maintenance will be performed at the locations identified on the bid tabulation. The project is scheduled for completion by June 30, 2004.

BUDGET

Funds are available in the Capital Accounts for Public Works Construction Municipal Parking Lot Maintenance, and Outdoor Education Center Improvements Fund. The budget amount includes funds for construction, inspection, and contingencies.

104 Vendors Notified via MITN System
9 Bid Responses Rec'd

Prepared by: Marina Basta/Farouk, Project Construction Manager

Opening Date -- 2-11-04
 Date Prepared -- 2/17/04
 VENDOR NAME:

CITY OF TROY
 BID TABULATION
 PARKING LOT MAINTENANCE

ITB-COT 03-43
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	ASPHALT SPECIALISTS	CADILLAC ASPHALT	FLORENCE CEMENT CO
	INC	LLC	
Ck #	698916707	698911796	698873096
Ck Amount	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECS

TASK (1) PUBLIC WORKS PARKING LOT

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	4200 L.F.	\$0.56	\$2,352.00	\$0.65	\$2,730.00	\$0.66	\$2,772.00
2 Seal Coat	8988 S.Y.	\$0.40	\$3,595.20	\$0.41	\$3,685.08	\$0.43	\$3,864.84
3 Striping (Yellow/White)	3712 L.F.	\$0.08	\$296.96	\$0.12	\$445.44	\$0.12	\$445.44
4 Handicapped Parking Space & Logo	6 each	\$9.52	\$57.12	\$11.00	\$66.00	\$11.55	\$69.30
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (1)			\$6,301.28		\$6,926.52		\$7,151.58

TASK (2) FIRE STATION #1

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	2800 L.F.	\$0.56	\$1,568.00	\$0.65	\$1,820.00	\$0.68	\$1,904.00
2 Seal Coat	1785 S.Y.	\$0.40	\$714.00	\$0.52	\$928.20	\$0.55	\$981.75
3 Striping (Yellow/White)	700 L.F.	\$0.15	\$105.00	\$0.50	\$350.00	\$0.34	\$238.00
4 Handicapped Parking Space & Logo	2 each	\$9.52	\$19.04	\$11.00	\$22.00	\$11.55	\$23.10
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (2)			\$2,406.04		\$3,120.20		\$3,146.85

TASK (3) FIRE STATION #6

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	123 L.F.	\$0.56	\$68.88	\$4.07	\$500.61	\$4.20	\$516.60
2 Seal Coat	2247 S.Y.	\$0.40	\$898.80	\$0.52	\$1,168.44	\$0.55	\$1,235.85
3 Striping (Yellow/White)	532 L.F.	\$0.35	\$186.20	\$0.50	\$266.00	\$0.43	\$228.76
4 Handicapped Parking Space & Logo	2 each	\$9.52	\$19.04	\$11.00	\$22.00	\$11.55	\$23.10
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (3)			\$1,172.92		\$1,957.05		\$2,004.31

TASK (4) REDWOOD PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	550 L.F.	\$0.56	\$308.00	\$0.91	\$500.50	\$0.96	\$528.00
2 Seal Coat	656 S.Y.	\$0.40	\$262.40	\$0.75	\$492.00	\$0.79	\$518.24
3 Striping (Yellow/White)	160 L.F.	\$0.80	\$128.00	\$1.50	\$240.00	\$1.42	\$227.20
4 Handicapped Parking Space & Logo	1 each	\$9.52	\$9.52	\$20.00	\$20.00	\$11.55	\$11.55
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (4)			\$707.92		\$1,252.50		\$1,284.99

TASK (5) BRINSTON PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	741 L.F.	\$0.56	\$414.96	\$0.67	\$496.47	\$0.70	\$518.70
2 Seal Coat	6032 S.Y.	\$0.40	\$2,412.80	\$0.42	\$2,533.44	\$0.44	\$2,654.08
3 Striping (Yellow/White)	2237 L.F.	\$0.08	\$178.96	\$0.12	\$268.44	\$0.12	\$268.44
4 Handicapped Parking Space & Logo	5 each	\$9.52	\$47.60	\$11.00	\$55.00	\$11.55	\$57.75
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (5)			\$3,054.32		\$3,353.35		\$3,498.97

TASK (6) SYLVAN GLEN LAKE PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 3' WIDE M BY THE CURB	1039 L.F.	\$2.50	\$2,597.50	\$0.50	\$519.50	\$3.40	\$3,532.60
2 1.5" MDOT bituminous Mix 1100	1138 TON	\$36.50	\$41,537.00	\$36.00	\$40,968.00	\$39.50	\$44,951.00
3 Crack & Joint Sealing	560 L.F.	\$0.56	\$313.60	\$0.89	\$498.40	\$0.93	\$520.80
4 Seal Coat	6755 S.Y.	\$0.40	\$2,702.00	\$0.42	\$2,837.10	\$0.44	\$2,972.20
5 Striping (yellow/white)	9109 L.F.	\$0.08	\$728.72	\$0.12	\$1,093.08	\$0.12	\$1,093.08
6 Handicapped Parking Space & Logo	9 each	\$9.52	\$85.68	\$11.00	\$99.00	\$11.55	\$103.95
7 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (6)			\$47,964.50		\$46,015.08		\$53,173.63

Opening Date -- 2-11-04
 Date Prepared -- 2/17/04

CITY OF TROY
 BID TABULATION
 PARKING LOT MAINTENANCE

ITB-COT 03-43
 Pg 2 of 6

VENDOR NAME:

* **ASPHALT SPECIALISTS**
INC

CADILLAC ASPHALT LLC

FLORENCE CEMENT CO

TASK (7) OUTDOOR EDUCATION CENTER

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Bituminous Mix No. 1100L, 20AA	550 ton	\$38.00	\$20,900.00	\$41.00	\$22,550.00
2	Bituminous Mix No. 1100T, 20AA	550 ton	\$39.40	\$21,670.00	\$41.00	\$22,550.00
3	Striping (yellow/white)	1400 L.F.	\$0.08	\$112.00	\$0.20	\$280.00
4	Traffic Maintenance Control	Included				
Estimated Total Cost – Task (7)			\$42,682.00		\$45,380.00	
ESTIMATED GRAND TOTAL--			\$104,288.98		\$108,004.70	

ADDITIONAL PRICES SECTION

ITEM	DESCRIPTION	PER	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Removing Asphalt Pavement/Base	Sq Yard	\$10.00	\$20.00	\$20.00
2	Aggregate Base Under Bituminous	Cubic Yard	\$24.00	\$50.00	\$28.00
3	Sub-grade Undercutting	Cubic Yard	\$10.00	\$50.00	\$30.00
4	Aggregate under Sub-grade	Cubic Yard	\$10.00	\$50.00	\$30.00
5	Butt Joint & Cold-Milling Pavement	L. Feet	\$3.00	\$25.00	\$4.00
6	Bituminous Mix No. 500, 20 C	Ton	\$41.00	\$100.00	\$80.00
7	Bituminous Mix No. 1100L, 20AA	Ton	\$43.00	\$50.00	\$50.00
8	Bituminous Mix No. 1100T, 20AA	Ton	\$45.00	\$50.00	\$80.00

INSURANCE: Can Meet
Cannot Meet

XX

XX

XX

SITE INSPECTION: Visited Site
Date Visited
Did Not Visited

YES

2/10/04

YES

2/10/04

YES

2/10/04

PROPOSED PAYMENT SCHEDULE: Y or N

YES

MONTHLY

NO

COMPLETION DATE:

June 30, 2004

Can Meet

Cannot Meet

XX

XX

XX

TERMS:

NET 30 AFTER COMPLETION

N/A

30 DAYS

WARRANTY:

ONE YEAR

AS STATED IN SPECS

ONE YEAR

EXCEPTIONS:

N/A

NONE

NONE

ACKNOWLEDGEMENT:

Y or N

YES

YES

YES

BIDDER QUESTIONNAIRE

Y or N

YES

YES

NO

TWO FORMS COMPLETED:

Legal Status

Y or N

YES

YES

NO

Non-Collusion

Y or N

YES

YES

NO

ATTEST:

Marina Basta-Farouk

Theresa Grafton

Linda Bockstanz

* **DENOTES LOW TOTAL BIDDER**

Jeanette Bennett

Purchasing Director

G:ITB-COT 03-43 Parking Lot Maintenance

Opening Date -- 2-11-04
Date Prepared -- 2/17/04
VENDOR NAME:

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

ITB-COT 03-43
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	NAGLE PAVING	ABC PAVING	PEAKE CONTRACTING
	COMPANY	COMPANY	INC
Ck #	698898576	652690535	329778955
Ck Amount	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECS

TASK (1) PUBLIC WORKS PARKING LOT

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	4200 L.F.	\$0.65	\$2,730.00	\$0.58	\$2,436.00	\$0.60	\$2,520.00
2 Seal Coat	8988 S.Y.	\$0.42	\$3,774.96	\$0.43	\$3,864.84	\$0.40	\$3,595.20
3 Striping (Yellow/White)	3712 L.F.	\$0.13	\$482.56	\$0.08	\$296.96	\$0.15	\$556.80
4 Handicapped Parking Space & Logo	6 each	\$12.00	\$72.00	\$9.50	\$57.00	\$15.00	\$90.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (1)			\$7,059.52		\$6,654.80		\$6,762.00

TASK (2) FIRE STATION #1

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	2800 L.F.	\$0.65	\$1,820.00	\$0.58	\$1,624.00	\$0.60	\$1,680.00
2 Seal Coat	1785 S.Y.	\$0.42	\$749.70	\$0.43	\$767.55	\$0.50	\$892.50
3 Striping (Yellow/White)	700 L.F.	\$0.32	\$224.00	\$0.08	\$56.00	\$0.30	\$210.00
4 Handicapped Parking Space & Logo	2 each	\$12.00	\$24.00	\$9.50	\$19.00	\$15.00	\$30.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (2)			\$2,817.70		\$2,466.55		\$2,812.50

TASK (3) FIRE STATION #6

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	123 L.F.	\$3.60	\$442.80	\$0.58	\$71.34	\$3.20	\$393.60
2 Seal Coat	2247 S.Y.	\$0.42	\$943.74	\$0.43	\$966.21	\$0.60	\$1,348.20
3 Striping (Yellow/White)	532 L.F.	\$0.40	\$212.80	\$0.08	\$42.56	\$0.35	\$186.20
4 Handicapped Parking Space & Logo	2 each	\$12.00	\$24.00	\$9.50	\$19.00	\$15.00	\$30.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (3)			\$1,623.34		\$1,099.11		\$1,958.00

TASK (4) REDWOOD PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	550 L.F.	\$0.80	\$440.00	\$0.58	\$319.00	\$0.75	\$412.50
2 Seal Coat	656 S.Y.	\$0.50	\$328.00	\$0.43	\$282.08	\$1.00	\$656.00
3 Striping (Yellow/White)	160 L.F.	\$1.30	\$208.00	\$0.08	\$12.80	\$1.20	\$192.00
4 Handicapped Parking Space & Logo	1 each	\$12.00	\$12.00	\$9.50	\$9.50	\$15.00	\$15.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (4)			\$988.00		\$623.38		\$1,275.50

TASK (5) BRINSTON PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	741 L.F.	\$0.65	\$481.65	\$0.58	\$429.78	\$0.75	\$555.75
2 Seal Coat	6032 S.Y.	\$0.42	\$2,533.44	\$0.43	\$2,593.76	\$0.40	\$2,412.80
3 Striping (Yellow/White)	2237 L.F.	\$0.13	\$290.81	\$0.08	\$178.96	\$0.25	\$559.25
4 Handicapped Parking Space & Logo	5 each	\$12.00	\$60.00	\$9.50	\$47.50	\$15.00	\$75.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (5)			\$3,365.90		\$3,250.00		\$3,602.80

TASK (6) SYLVAN GLEN LAKE PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 3' WIDE M BY THE CURB	1039 L.F.	\$2.50	\$2,597.50	\$3.00	\$3,117.00	\$4.00	\$4,156.00
2 1.5" MDOT bituminous Mix 1100	1138 TON	\$40.00	\$45,520.00	\$40.00	\$45,520.00	\$42.50	\$48,365.00
3 Crack & Joint Sealing	560 L.F.	\$0.80	\$448.00	\$0.58	\$324.80	\$0.75	\$420.00
4 Seal Coat	6755 S.Y.	\$0.42	\$2,837.10	\$0.43	\$2,904.65	\$0.40	\$2,702.00
5 Striping (yellow/white)	9109 L.F.	\$0.13	\$1,184.17	\$0.08	\$728.72	\$0.15	\$1,366.35
6 Handicapped Parking Space & Logo	9 each	\$12.00	\$108.00	\$9.50	\$85.50	\$15.00	\$135.00
7 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (6)			\$52,694.77		\$52,680.67		\$57,144.35

Opening Date -- 2-11-04
Date Prepared -- 2/17/04

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

ITB-COT 03-43
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VENDOR NAME:

NAGLE PAVING	ABC PAVING	PEAKE CONTRACTING INC
COMPANY	COMPANY	

TASK (7) OUTDOOR EDUCATION CENTER

ITEM DESCRIPTION	EST QTY	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1 Bituminous Mix No. 1100L, 20AA	550 ton	\$39.00	\$21,450.00	\$42.00	\$23,100.00
2 Bituminous Mix No. 1100T, 20AA	550 ton	\$42.00	\$23,100.00	\$42.60	\$23,430.00
3 Striping (yellow/white)	1400 L.F.	\$0.16	\$224.00	\$0.08	\$112.00
4 Traffic Maintenance Control	Included				
Estimated Total Cost – Task (7)			\$44,774.00		\$46,642.00

ESTIMATED GRAND TOTAL --

\$113,323.23	\$113,416.51	\$121,205.15
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ADDITIONAL PRICES SECTION

ITEM DESCRIPTION	PER	UNIT PRICE	UNIT PRICE	UNIT PRICE
1 Removing Asphalt Pavement/Base	Sq Yard	\$12.00	\$75.00	\$12.00
2 Aggregate Base Under Bituminous	Cubic Yard	\$19.60	\$26.00	\$30.00
3 Sub-grade Undercutting	Cubic Yard	\$14.80	\$40.00	\$40.00
4 Aggregate under Sub-grade	Cubic Yard	\$24.00	\$24.00	\$30.00
5 Butt Joint & Cold-Milling Pavement	L. Feet	\$3.00	\$3.00	\$8.00
6 Bituminous Mix No. 500, 20 C	Ton	\$39.00	\$40.00	\$75.00
7 Bituminous Mix No. 1100L, 20 AA	Ton	\$39.00	\$42.00	\$90.00
8 Bituminous Mix No. 1100T, 20 AA	Ton	\$42.00	\$42.50	\$100.00

INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
SITE INSPECTION:	Visited Site	YES	YES	NO
	Date Visited	2/4/04	2/10/04	
	Did Not Visited			
PROPOSED PAYMENT SCHEDULE:	Y or N	YES	NO	YES
		NET 30 DAYS		90% UPON SUBSTANTIAL COMPLETION
COMPLETION DATE:	Can Meet	XX	XX	XX
June 30, 2004	Cannot Meet			
TERMS:		NET 30 DAYS	BLANK	BLANK
WARRANTY:		ONE YEAR	BLANK	BLANK
EXCEPTIONS:		BLANK	BLANK	BLANK
ACKNOWLEDGEMENT:	Y or N	YES	YES	YES
BIDDER QUESTIONNAIRE	Y or N	YES	YES	YES
TWO FORMS COMPLETED:				
Legal Status	Y or N	YES	YES	YES
Non-Collusion	Y or N	YES	YES	YES

Opening Date -- 2-11-04
Date Prepared -- 2/17/04
VENDOR NAME:

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

ITB-COT 03-43
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	AP'S ASPHALT	HART PAVEMENT	HUTCH PAVING INC
	PAVING CO, INC	STRIPING	
Ck #	698871198	0244637	698890262
Ck Amount	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECS

TASK (1) PUBLIC WORKS PARKING LOT

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	4200 L.F.	\$0.55	\$2,310.00	\$0.60	\$2,520.00	\$0.75	\$3,150.00
2 Seal Coat	8988 S.Y.	\$0.40	\$3,595.20	\$0.45	\$4,044.60	\$0.50	\$4,494.00
3 Striping (Yellow/White)	3712 L.F.	\$0.15	\$556.80	\$0.10	\$371.20	\$0.11	\$408.32
4 Handicapped Parking Space & Logo	6 each	\$15.00	\$90.00	\$10.00	\$60.00	\$18.00	\$108.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (1)			\$6,552.00		\$6,995.80		\$8,160.32

TASK (2) FIRE STATION #1

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	2800 L.F.	\$0.55	\$1,540.00	\$0.60	\$1,680.00	\$0.75	\$2,100.00
2 Seal Coat	1785 S.Y.	\$1.00	\$1,785.00	\$0.72	\$1,285.20	\$0.50	\$892.50
3 Striping (Yellow/White)	700 L.F.	\$0.30	\$210.00	\$0.22	\$154.00	\$0.11	\$77.00
4 Handicapped Parking Space & Logo	2 each	\$15.00	\$30.00	\$10.00	\$20.00	\$18.00	\$36.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (2)			\$3,565.00		\$3,139.20		\$3,105.50

TASK (3) FIRE STATION #6

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	123 L.F.	\$4.00	\$492.00	\$4.065	\$500.00	\$0.75	\$92.25
2 Seal Coat	2247 S.Y.	\$1.00	\$2,247.00	\$0.668	\$1,501.00	\$0.50	\$1,123.50
3 Striping (Yellow/White)	532 L.F.	\$0.40	\$212.80	\$0.28	\$148.96	\$0.11	\$58.52
4 Handicapped Parking Space & Logo	2 each	\$30.00	\$60.00	\$10.00	\$20.00	\$18.00	\$36.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (3)			\$3,011.80		\$2,169.95		\$1,310.27

TASK (4) REDWOOD PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	550 L.F.	\$2.00	\$1,100.00	\$0.909	\$499.95	\$0.75	\$412.50
2 Seal Coat	656 S.Y.	\$1.35	\$885.60	\$0.953	\$625.17	\$0.50	\$328.00
3 Striping (Yellow/White)	160 L.F.	\$2.00	\$320.00	\$1.00	\$160.00	\$0.60	\$96.00
4 Handicapped Parking Space & Logo	1 each	\$15.00	\$15.00	\$10.00	\$10.00	\$18.00	\$18.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (4)			\$2,320.60		\$1,295.12		\$854.50

TASK (5) BRINSTON PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 Crack & Joint Sealing	741 L.F.	\$0.75	\$555.75	\$0.675	\$500.18	\$0.75	\$555.75
2 Seal Coat	6032 S.Y.	\$0.60	\$3,619.20	\$0.477	\$2,877.26	\$0.50	\$3,016.00
3 Striping (Yellow/White)	2237 L.F.	\$0.15	\$335.55	\$0.10	\$223.70	\$0.11	\$246.07
4 Handicapped Parking Space & Logo	5 each	\$15.00	\$75.00	\$10.00	\$50.00	\$18.00	\$90.00
5 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (5)			\$4,585.50		\$3,651.14		\$3,907.82

TASK (6) SYLVAN GLEN LAKE PARK

ITEM DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1 3' WIDE M BY THE CURB	1039 L.F.	\$4.10	\$4,259.90	\$3.08	\$3,200.12	\$2.75	\$2,857.25
2 1.5" MDOT bituminous Mix 1100	1138 TON	\$45.40	\$51,665.20	\$44.80	\$50,982.40	\$48.00	\$54,624.00
3 Crack & Joint Sealing	560 L.F.	\$1.00	\$560.00	\$0.893	\$500.08	\$0.75	\$420.00
4 Seal Coat	6755 S.Y.	\$0.45	\$3,039.75	\$0.469	\$3,168.10	\$0.50	\$3,377.50
5 Striping (yellow/white)	9109 L.F.	\$0.15	\$1,366.35	\$0.10	\$910.90	\$0.11	\$1,001.99
6 Handicapped Parking Space & Logo	9 each	\$15.00	\$135.00	\$10.00	\$90.00	\$18.00	\$162.00
7 Traffic Maintenance Control	Included						
Estimated Total Cost – Task (6)			\$61,026.20		\$58,851.60		\$62,442.74

Opening Date -- 2-11-04
Date Prepared -- 2/17/04

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

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VENDOR NAME:

AP'S ASPHALT
PAVING CO, INCHART PAVEMENT
STRIPING CORP

HUTCH PAVING INC

TASK (7) OUTDOOR EDUCATION CENTER

ITEM DESCRIPTION	EST QTY	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1 Bituminous Mix No. 1100L, 20AA	550 ton	\$43.60	\$23,980.00	\$44.80	\$24,640.00
2 Bituminous Mix No. 1100T, 20AA	550 ton	\$42.60	\$23,430.00	\$45.92	\$25,256.00
3 Striping (yellow/white)	1400 L.F.	\$0.15	\$210.00	\$0.13	\$182.00
4 Traffic Maintenance Control	Included				
Estimated Total Cost – Task (7)			\$47,620.00		\$50,078.00

ESTIMATED GRAND TOTAL -

\$128,681.10

\$126,180.80

\$133,835.15

ADDITIONAL PRICES SECTION

ITEM DESCRIPTION	PER	UNIT PRICE	UNIT PRICE	UNIT PRICE
1 Removing Asphalt Pavement/Base	Sq Yard	\$27.00	\$10.92	\$7.00
2 Aggregate Base Under Bituminous	Cubic Yard	\$38.00	\$33.60	\$19.00
3 Sub-grade Undercutting	Cubic Yard	\$35.00	\$10.08	\$45.00
4 Aggregate under Sub-grade	Cubic Yard	\$35.00	\$33.60	\$24.00
5 Butt Joint & Cold-Milling Pavement	L. Feet	\$5.00	\$3.08	\$5.00
6 Bituminous Mix No. 500, 20 C	Ton	\$42.00	\$53.76	\$45.00
7 Bituminous Mix No. 1100L, 20AA	Ton	\$44.00	\$56.00	\$48.00
8 Bituminous Mix No. 1100T, 20AA	Ton	\$46.00	\$57.12	\$52.00

INSURANCE: Can Meet
Cannot Meet

XX

XX

XX

SITE INSPECTION: Visited Site
Date Visited
Did Not Visited

YES

2/9/04

YES

1/30/04

NO

PROPOSED PAYMENT SCHEDULE: Y or N

NO

AS COMPLETED

NO

COMPLETION DATE: Can Meet
June 30, 2004 Cannot Meet

XX

MISSING

XX

TERMS:

BLANK

NET 20

NET 30

WARRANTY:

BLANK

1 YR FROM COMPLETION
OF EA PARKING LOT

ONE YEAR

EXCEPTIONS:

BLANK

BLANK

BLANK

ACKNOWLEDGEMENT: Y or N

YES

YES

YES

BIDDER QUESTIONNAIRE Y or N

YES

YES

YES

TWO FORMS COMPLETED:

Legal Status Y or N

YES

YES

YES

Non-Collusion Y or N

YES

YES

YES



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Downloading History for ITB-COT 03-43 Park Lots

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 2/19/2004.

Document Title:	Parking Lot Maintenance Program
Date Issued:	1/16/2004
Close Date:	2/11/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

<u>Acct #</u>	<u>Company Name</u>	<u>Service</u>	<u>Date Obtained Document</u>	<u>Date Obtained Amendments</u>
12595	AC Supply	Free	1/26/2004	
13053	Accuform Printing & Graphics, Inc.	Free	2/2/2004	
11428	Adj Excavating, Inc	E-mail	2/3/2004	
12964	Ajax Materials Corporation	E-mail	2/2/2004	
12466	Al's Asphalt Paving Co., Inc.	E-mail	2/3/2004	
14279	Amerinational Community Services	E-mail		
15235	Amtel Security Systems, Inc.	Free	1/19/2004	
14471	Angelo Iafate Construction Company	E-mail		
15480	Apollo Coatings, Inc	Free	2/7/2004	
13777	Applied Cleaning Technology, Inc	E-mail	1/23/2004	
15874	Applied Science, Inc.	E-mail	2/4/2004	
11691	Asphalt Specialists, Inc.	Fax		
10139	B & J Parking Lot Maintenance, Inc.	E-mail	1/23/2004	
10927	B & L Landscaping	Fax	2/2/2004	
11413	B & V Construction, Inc.	E-mail		
10709	B & W Landscape Supply	Fax		
12250	Barrett Paving Materials Inc.	E-mail	1/30/2004	
10851	BEI Associates Inc.	E-mail		
10231	Bernco, Inc.	E-mail		

11742	Bowen Paving, Inc.	Fax		
15878	Bush Brothers Asphalt Paving	Fax	2/4/2004	
14990	Carrigan Development Inc.	Fax		
12406	cleaning connection inc	E-mail	1/29/2004	
10928	Commercial Contracting Corporation	E-mail		
11732	Curbco, Inc.	Fax		
12323	D.L.F. Trucking, Inc.	Fax		
15631	Debroe Company	Free	1/30/2004	
13866	Delta Printing	Free	1/22/2004	
12287	Demko Inc.	E-mail	1/21/2004	
10850	DiLisioContracting Inc.	E-mail		
14206	Dumas Concepts In Building	E-mail	1/23/2004	
12164	Edw. C. Levy Co.	E-mail		
10349	Edward R. White Contractor, Inc.	Fax		
15795	Epoch Technologies, Inc	Free	1/29/2004	
14091	Erdodi Maintenance & Event Decor	E-mail	1/22/2004	
12990	Etna Supply Company	E-mail	1/19/2004	
14012	european best cleaning	Free	2/5/2004	
14797	Five Star Waste Services LLC	E-mail	1/26/2004	
11211	Florence Cement Company	E-mail	1/29/2004	
11201	Fosmore Trucking and Maintenance	E-mail		
11657	Giffels-Webster Engineers, Inc.	Free	1/19/2004	
13719	Giorgi Concrete LLC	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		
14126	Hardeman and Associates	Fax	1/21/2004	
11517	Hart Pavement Striping Corporation	E-mail	2/4/2004	
10833	Hartwell Cement Company	E-mail	1/16/2004	
15913	HAYES EXCAVATING CO INC.	Fax	2/6/2004	
13128	Henderson Electric, Inc.	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	2/6/2004	
11514	Highway Maintenance & Construction Co.	E-mail	1/23/2004	
15490	Hutch Paving, Inc.	Free	2/10/2004	
12021	JOHN CARLO, INC.	E-mail		
15135	Kappy Industries Inc	Free	1/23/2004	
15720	Kelli Green Lawn Service Ltd.	E-mail	1/22/2004	
12014	L. Loyer Construction Company	Fax		
10651	Lighting Supply Company	E-mail	1/29/2004	
12569	Liquid Calcium C hloride Sales	Free	1/19/2004	
13464	Loch Le Monde Landscapes	Free	1/19/2004	
14592	M S Consulting Engineers, P.C.	E-mail		
13971	M.O.G. Cleaning Service	E-mail	1/19/2004	

13303	Maryland Electric Company	E-mail		
10429	Metropolitan Asphalt Paving, Inc.	Fax		
11560	Michigan Joint Sealing, Inc.	Free	1/27/2004	
15741	MIDWEST PAVEMENT CONTRACTING, INC	Fax	1/29/2004	
11469	Nagle Paving Company	E-mail	1/26/2004	
14041	New Technology Construction, LLC	E-mail		
14089	Northview Custom Homes, LLC	E-mail	1/16/2004	
12761	Northwest Consultants, Inc.	E-mail		
11059	Pamar Enterprises, Inc.	E-mail		
10157	Peake Contracting, Inc.	Free	2/5/2004	
13722	Peek Traffic Inc.	E-mail		
15509	Pro-Line Asphalt Paving Corp.	Fax		
15064	Protech Diamond Tools	E-mail		
11361	Quickie Carpet Cleaning	Free	1/20/2004	
13691	R & E Trucking Inc.	Fax		
10864	Richter's Contracting, Inc.	E-mail		
15568	Rotondo Construction Corp.	E-mail		
14057	S.J.R. Pavement Repair	Fax	1/30/2004	
12336	SAVALLES TRUCKING INC.	Fax		
15055	Schoolcraft College	Free	1/21/2004	
12265	scodeller construction, inc.	E-mail	1/19/2004	
11580	Sealcoating Plus, LLC	E-mail		
13730	SMART Management Group, LLC	E-mail		
13684	soil and materials engineers, inc	E-mail	1/16/2004	
13632	Spalding DeDecker Associates, Inc.	Free	2/6/2004	
12005	Speedy Excavating, Inc	Fax		
10327	T & M ASPHALT PAVING, INC.	E-mail	2/11/2004	
12577	terrasini cement	E-mail	2/17/2004	
11627	Testing Engineers & Consultants, Inc.	E-mail		
10974	The Avrie Group, Inc.	E-mail		
12535	The Stansley Group	E-mail		
11904	TolTest	E-mail		
11814	Tony Anthony Inc	E-mail	1/29/2004	
13602	Total Outdoor Services	E-mail		
12891	Triple Platinum Builders, Inc.	E-mail		
15301	Tyger Excavating Inc.	E-mail		
13767	Uniglobe Construction Company	E-mail		
10101	Vac-All Service, Inc.	E-mail	1/16/2004	
15073	W.T. Stevens Construction, Inc.	Free	2/4/2004	
13207	Walbridge Aldinger Company	E-mail		
10822	Walker Parking Consultants	E-mail	2/9/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	2/6/2004	

10604	white excavating company inc.	Fax		
13711	Williams Construction	E-mail		

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February 16, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Type “K” Copper Tubing

RECOMMENDATION

On February 6, 2004, bid proposals were opened to furnish Type “K” Copper Tubing. After reviewing these proposals, City management recommends awarding the contract to the lowest bidders meeting specifications, Linwood Pipe & Supply / A Ferguson Enterprise and SLC Meter Service, Inc. for an estimated total cost of \$14,646.00, at the unit prices listed below.

Linwood Pipe & Supply / A Ferguson Enterprise

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	720 Ft.	¾” Type “K” Copper Tubing	<u>\$1.199</u>	<u>\$863.28</u>
				<u>\$863.28</u>

*SLC Meter Service, Inc

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
2.	7,500 Ft.	1” Type “K” Copper Tubing	<u>\$1.54</u>	<u>\$11,550.00</u>
3.	900 Ft.	1 ½” Type “K” Copper Tubing <u>\$2.48</u>	<u>\$ 2,232.00</u>	<u>\$13,782.00</u>
GRAND TOTAL ALL ITEMS:				<u>\$14,645.28</u>

*Due to the volatility of the commodity market, prices are only good for thirty- (30) days.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

A total of seven (7) bids were received in which one vendor who was not low, Piping Components, did not provide the \$500.00 bid surety as required in the specifications. The bid deposit is retained as a performance surety until successful completion of all contract requirements. Unsuccessful bidders have their bid surety returned after the bid award. The price of copper fluctuates daily and the City needs to be insured the prices will be held until the bid has been awarded.

BUDGET

Funds for these materials are available through the 2003-2004 Water Department Operating Supply Accounts.

37 Vendors Notified on MITN System

7 Bid Responses Rec'd

1 Bid did not meet specifications

2 No Bids: (2) Companies do not handle product specified.

Prepared by: Emily Frontera, Administrative Aide

Opening Date: 2-6-04
Date Prepared: 2/16/04

CITY OF TROY
BID TABULATION
TYPE "K" COPPER TUBING

ITB-COT 04-03
Pg 1 of 2

VENDOR NAME:			SLC METER SERVICE, INC	LINWOOD PIPE/ A FERGUSON ENTERPRISE	NATIONAL WATERWORKS INC	ETNA SUPPLY COMPANY
CHECK NUMBER:			698932388	192520391-4	698853554	410740508
CHECK AMOUNT:			\$500.00	\$500.00	\$500.00	\$500.00
ITEM	DESCRIPTION	QTY/FT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1.	3/4" Type "K" Copper Tubing - 60 Ft Rolls	720	\$ 1.20	\$ 1.1990	\$ 1.21	NO BID
2.	1" Type "K" Copper Tubing - 60 Ft Rolls	7,500	\$ 1.54	\$ 1.572	\$ 1.59	\$ 1.60
3.	1 1/2" Type "K" Copper Tubing - 60 Ft Rolls	900	\$ 2.48	\$ 2.523	\$ 2.56	\$ 2.55
GRAND TOTAL AWARDED ITEMS--			\$ 13,782.00	\$ 863.28	\$ -	\$ -
TERMS			NET 30 DAYS	NET	NET 30 DAYS	NET 30 DAYS
WARRANTY			STANDARD MFG	MFG	BLANK	MFG
DELIVERY DATE			STOCK TO 4 WEEKS	7 DAYS	AS REQUESTED	STOCK-45 DAYS
EXCEPTIONS			PRICES GOOD FOR 30 DAYS ONLY FROM FEB 3, 2004	BLANK	NONE	BID IS BASED ON A MONTH BASIS.
ACKNOWLEDGEMENT: Filled out - Y or N			YES	YES	YES	YES

ATTEST:

Charlene McComb
Emily Frontera
Linda Bockstanz

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDERS

Jeanette Bennett
Purchasing Director

Opening Date: 2-6-04
Date Prepared: 2/16/04

CITY OF TROY
BID TABULATION
TYPE "K" COPPER TUBING

ITB-COT 04-03
Pg 2 of 2

VENDOR NAME:			EAST JORDAN	DOWNRIVER		
			IRON WORKS INC	REFRIGERATION		
				SUPPLY CO		
CHECK NUMBER:			101288758	698937315		
CHECK AMOUNT:			\$500.00	\$500.00		
ITEM	DESCRIPTION	QTY/FT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1.	3/4" Type "K" Copper Tubing - 60 Ft Rolls	720	\$ 1.45	\$ 1.42		
2.	1" Type "K" Copper Tubing - 60 Ft Rolls	7,500	\$ 1.85	\$ 1.86		
3.	1 1/2" Type "K" Copper Tubing - 60 Ft Rolls	900	\$ 3.00	\$ 2.99		
GRAND TOTAL AWARDED ITEMS--			\$ -	\$ -		
TERMS			NET 30 DAYS	NET 30		
WARRANTY			BLANK	NONE, COPPER TUBING		
DELIVERY DATE			3-10 DAYS FDO	3-5 DAYS AFTER PO ISSUED		
EXCEPTIONS			BLANK	BLANK		
ACKNOWLEDGEMENT:						
Filled out - Y or N			YES	YES		

DMS:
Piping Components - Reason: No Bid Deposit Check

NO BIDS:
Grainger Industrial Supply
Mechanical Sheet Metal



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Downloading History for ITB-COT 04-03 CopperTube

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 2/16/2004.

Document Title:	Copper Tubing
Date Issued:	1/19/2004
Close Date:	2/6/2004

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12399	Alert Emergency Equipment Group, Inc	E-mail	1/29/2004	
10103	Aluminum Supply Co., Inc.	E-mail	1/23/2004	
12903	Bennett Design and Fabrication LLC	E-mail		
11895	D.F. BURNHAM	Free	1/27/2004	
12287	Demko Inc.	E-mail	1/20/2004	
14551	DETROIT NIPPLE WORKS, INC.	E-mail	2/13/2004	
10845	DIVERSIFIED ELECTRONICS INC.	Free	1/19/2004	
13559	Diversified Wire & Cable	Free	1/26/2004	
11938	Downriver Refrigeration Supply Co.	E-mail	2/2/2004	
15170	Durst Lumber Co.	Free	1/24/2004	
12428	East Jordan Iron Works, Inc.	E-mail	2/12/2004	
12990	Etna Supply Company	E-mail	1/20/2004	
15644	GE Supply	E-mail	1/19/2004	
11861	Grainger Industrial Supply	E-mail	2/5/2004	
14165	Gunners Meters & Parts	Free	2/5/2004	
13552	H L CLAEYS AND CO.	E-mail	1/23/2004	
12686	Ideal Building Supplies, LLC.	E-mail	1/27/2004	
14714	KB enterprises	Free	1/22/2004	
12011	LINWOOD PIPE & SUPPLY / A	E-mail	2/5/2004	

	FERGUON ENTERPRISE			
12144	Mechanical Sheet Metal Co.	E-mail	1/27/2004	
12561	Michigan Steel Fabricators	E-mail	1/19/2004	
13429	Multi-Source	E-mail	1/21/2004	
10155	National Waterworks Inc.	E-mail	1/19/2004	
11936	Northside True Value Hardware	Fax		
14647	OSBORNE CONCRETE COMPANY INC.	Fax		
12916	Piping Components, Inc.	E-mail	1/28/2004	
12691	Positive Plumbing & Heating Inc.	E-mail		
11361	Quickie Carpet Cleaning	Free	1/20/2004	
15059	R. VanderLind & Son, Inc.	Fax	2/13/2004	
12531	Rohr gasoline equipment inc.	Fax		
12978	S.L.C. Meter Service, Inc	E-mail	1/20/2004	
13730	SMART Management Group, LLC	E-mail		
10638	State Wire and Terminal Inc.	E-mail	1/26/2004	
13790	The Home Depot	Fax	1/27/2004	
15622	Underground Pipe & Valve, INC.	E-mail	1/28/2004	
12192	US Supply Company	E-mail		
14857	William E. Walter, Inc.	E-mail	1/20/2004	

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February 24, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Larysa Figol, Right of Way Representative

SUBJECT: AGENDA ITEM - REQUEST FOR ACCEPTANCE OF
PERMANENT EASEMENTS AND REIMBURSEMENT FOR
LANDSCAPING IN THE EASEMENT AREAS
Maplelawn Road Reconstruction Project – Maple to Crooks, Project
#90.903.1

In connection with the reconstruction and widening of Maplelawn Road, between Maple and Crooks, located in the Southeast ¼ of Section 29, the Real Estate and Development Department has acquired the following permanent easements for roadway, sidewalk, and public and private utilities. The consideration on each document is \$1.00. The City will reimburse the property owners for landscaping located in the easement areas for the amounts listed below.

Parcel #	Sidwell	Owner	Consideration Amounts	Compensation for Landscaping
25	20-29-426-046	Baimor Corporation	\$1.00	\$16,884.00
26	20-28-302-002	Crooks Tech Center Limited Partnership No. 1	\$1.00	\$4,329.77
			TOTAL	\$21,213.77

Management recommends that City Council accept the attached permanent easements and authorize compensation for landscaping. Monies for landscape reimbursement will come from the 2003/04 Major Road and Water Funds accounts.

PERMANENT EASEMENT

Sidwell #88-20-29-426-046
Resolution #

BAIMOR CORPORATION, a Michigan Corporation, Grantors, whose address is 2107 Crooks Road, Troy, MI 48084 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of Sixteen Thousand Eight Hundred and Eighty Four and no/100 Dollars (\$16,884.00).

It is not contemplated that a special assessment will be applied to this property as a result of the Maplelawn Road Reconstruction - Maple to Crooks project, having project #90.903.1.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 3rd day of February A.D. 2004.

In presence of:
WITNESS

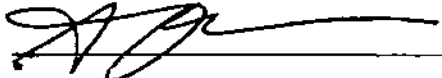
BAIMOR CORPORATION
A Michigan Corporation

By Richard Baidas (L.S.)
Richard Baidas
Its: President

STATE OF MICHIGAN)
COUNTY OF OSHTON)

The foregoing instrument was acknowledged before me this 3rd day of February, 2004, by Richard Baidas, President of Balmor Corporation, a Michigan Corporation, on behalf of the Corporation.

MARTIN W. BORDOLEY
Notary Public, Oakland County, Michigan
My Commission Expires January 6, 2007


Notary Public, _____ County, Michigan
My Commission Expires _____

Prepared by: Larysa Figol, City of Troy
500 West Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 West Big Beaver
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURE

EXHIBIT "A"
Section 29, Maplelawn Road Reconstruction Project
Parcel: 88-20-29-426-046
Owner: Balmor Corporation
Parcel #25

Parent Parcel Description (Title Commitment #63-503313)

Situated in the City of Troy, Oakland County, Michigan, described as:

Section 29, Town 2 North, Range 11 East, Part of the Southeast $\frac{1}{4}$ beginning at a point distant North 00 degrees 53 minutes 00 seconds East 1556.20 from the Southeast Section corner; thence North 89 degrees 07 minutes 00 seconds West 462.90 feet; thence North 00 degrees 41 minutes 00 seconds East 290.53 feet; thence South 87 degrees 49 minutes 00 seconds East 464.10 feet; thence South 00 degrees 53 minutes 00 seconds West 281.36 feet to the beginning.

**Description of 15 feet wide Permanent Easement for
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southeast $\frac{1}{4}$ of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: The North 15.00 feet of the following described parcel; Beginning at a point distant North 00 degrees 53 minutes 00 seconds East 1556.20 from the Southeast Section corner; thence North 89 degrees 07 minutes 00 seconds West 462.90 feet; thence North 00 degrees 41 minutes 00 seconds East 290.53 feet; thence South 87 degrees 49 minutes 00 seconds East 464.10 feet; thence South 00 degrees 53 minutes 00 seconds West 281.36 feet to the beginning. Containing 6,061 Square Feet or 0.139 Acres.



Mike's Tree Surgeons, Inc.

263 Park St., Troy, MI 48063-2726 • (248) 588-0202 • Fax (248) 588-4824
www.miketree.com

URBAN FORESTERS AND ARBORISTS DEDICATED TO TREE HEALTH AND PRESERVATION

Tree Appraisal - R.O.W. Trees at 2107 Crooka, Troy, Michigan

Tree Number *	Species	Diameter in Inches *	Appraised Value
1	Siberian Elm - <i>Ulmus pumila</i>	34	\$4,708
2	Norway Maple - <i>Acer platanoides</i>	13	\$1,380
3	Crabapple - <i>Malus</i> spp.	5	\$303
4	Crabapple - <i>Malus</i> spp.	7	\$633
5	Crabapple - <i>Malus</i> spp.	8	\$839
6	Crabapple - <i>Malus</i> spp.	5	\$235
7	Crabapple - <i>Malus</i> spp.	7.6	\$1,114
8	Boxelder - <i>Acer negundo</i>	24	\$1,944
9	Hawthorne - <i>Crataegus</i> spp.	9.9	\$1,140
10	Basswood - <i>Tilia americana</i>	13	\$591
11	Basswood - <i>Tilia americana</i>	11.9.8	\$1,562
12	Honeylocust - <i>Gleditsia triacanthos</i>	9	\$953
13	Honeylocust - <i>Gleditsia triacanthos</i>	12	\$1,723
14	Honeylocust - <i>Gleditsia triacanthos</i>	6	\$359
Total Appraisal Value			\$16,884

- * Tree numbers 6, 8, 7 and 14 may be located within existing Maplestown Road R.O.W.
- * For Multi-Stemmed Trees, the Sum of the Trunk Areas was used in the Appraisal Calculation

Appraisal Values Calculated per International Society of Arboriculture
Tree Appraisal Guidelines (8th Edition)
by Mike Sarger, Registered Forester # 698, Certified Arborist MS-0009

Members of: International Society of Arboriculture, National Arborist Assoc., American Forestry Assoc., Michigan Forest Assoc., Professional Grounds Maintenance Assoc.,
Global Relief of Michigan, Society of Commercial Arborists, Michigan Turfgrass Foundation, Michigan Forestry & Parks Assoc., Master Gardeners,
Bioscience Resource Project, Builders Association of Southeast Michigan, Michigan Arborist Assoc.

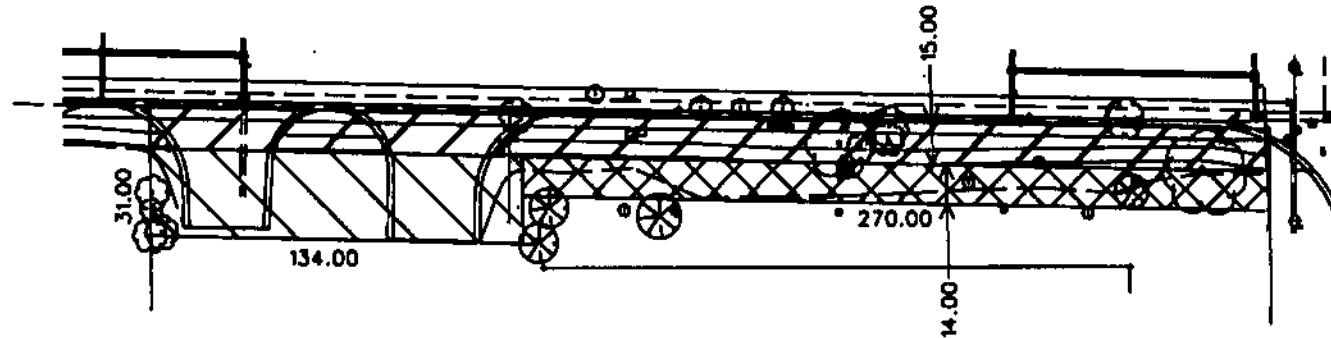
PAGE 03

JAMES C SCOTT
MIKE'S TREE SURGEONS, INC. (248) 588-4824

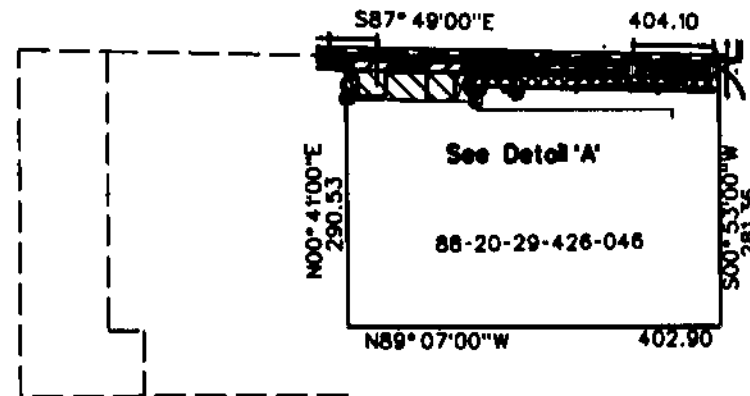
81/22/2004 15:37 248-5464838
JAN 22 04 03:02P

10/14/03
10:27:18 AM

Detail 'A'



Maplelawn (60' Wide)



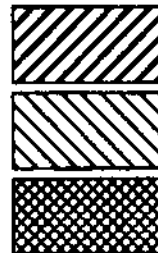
•2107 Crooks Rd.



Graphic Scale: 1"=200'



Permanent Easement
for Roadway, Sidewalk,
and Public Utilities
Area=6061 Sq.Ft.
Driveway Regrading
Permit
Area=4153 Sq.Ft.
Temporary Grading
Permit
Area=3779 Sq.Ft.



Parcel #25

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=200'	NAME GJB III	NAME	See Above
VER.	DATE 10-02-03	DATE	REV 01
STEVEN J. VANDETTE CITY ENGINEER		SHEET No. 1 of 1	JOB No.

DOCUMENT PREPARED BY
George J. Ballard III
CITY SURVEYOR

DATE REV.
CONTRACT No.

PERMANENT EASEMENT

Sidwell #88-20-28-302-030
Resolution #

CROOKS TECH CENTER LIMITED PARTNERSHIP NO. 1, a Michigan Limited Partnership, Grantors, whose address is 101 West Big Beaver, Suite 200, Troy, MI 48064 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace roadway, sidewalk, and public and private utilities said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. The property owner will be reimbursed for any trees, shrubs, bushes or other plant materials that are removed for this project or that die within one year of the date of this document, and as a result of our project. Reimbursement will be in the amount of the attached tree appraisal (Exhibit "B").

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed ~~THEIR~~ signature(s) this 17TH day of February A.D. 2004.

In presence of:
WITNESS

CROOKS TECH CENTER LIMITED
PARTNERSHIP NO. 1
a Michigan Limited Partnership

By Alan M. Kiriuk (L.S.)
Alan M. Kiriuk
Its: General Partner

Jamie M. Waszak
Betty Van Cleave

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 17th day of February, 2004, by Alan M. Kiriuk, General Partner of Crooks Tech Center Limited Partnership No. 1, a Michigan Limited Partnership, on behalf of the Partnership.

Joseph A. Jones
Notary Public Oakland County, Michigan
My Commission Expires 12-12-04

Prepared by: Larysa Figol, City of Troy
500 West Big Beaver
Troy, MI 48064

Return to: City Clerk, City of Troy
500 West Big Beaver
Troy, MI 48064

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURE

EXHIBIT "A"

**Section 28, Mapelawn Road Reconstruction Project
Parcel: 88-20-28-302-030
Owner: Crooks Tech Center Ltd. Partnership No. 1
Parcel #28**

Parent Parcel Description (Title Commitment #63-504617)

Situated in the City of Troy, Oakland County, Michigan, described as:
North 55 feet of Lot 18 and all of Lots 19 and 20, Maple Garden Estates Subdivision, according to the plat thereof as recorded in liber 43, page 53 of Plats, Oakland County Records, Also part of southwest ¼ beginning at point distant South 00 degrees 50 minutes 00 seconds West 571 feet from west ¼ corner, thence South 00 degrees 50 minutes 00 seconds West 100 feet, thence South 89 degrees 10 minutes 00 seconds East 363 feet, thence North 00 degrees 50 minutes 00 seconds East 100 feet, thence North 89 degrees 10 minutes 00 seconds West 363 feet to beginning, except west 60 feet taken for road.

**Description of Variable Width Permanent Easement for
Roadway, Sidewalk, and Public and Private Utilities**

Part of the Southwest ¼ of Section 28, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.
Being more particularly described as follows:
Commencing at the West ¼ Corner of said section; thence South 00 degrees 50 minutes 00 seconds West 571.00 feet and South 89 degrees 10 minutes 00 seconds East 60.00 feet to the Point of Beginning being at the intersection of the south line of Mapelawn Road and the east line of Crooks Road; thence South 89 degrees 10 minutes 00 seconds East, along said south line, 176.88 feet; thence South 80 degrees 56 minutes 43 seconds West 71.08 feet; thence South 88 degrees 56 minutes 42 seconds West 65.84 feet; thence South 67 degrees 46 minutes 41 seconds West 39.79 feet; thence North 87 degrees 56 minutes 56 seconds West 4.45 feet to the east line of Crooks Road; thence North 00 degrees 50 minutes 00 seconds East, along said east line, 29.86 feet to the Point of Beginning. Containing 2,246 Square Feet or 0.052 Acres.



Public Works Department

Memo

Date: November 19, 2003

To: Pat Petitto, Senior Right of Way Representative

From: Timothy Richnak, Public Works Director

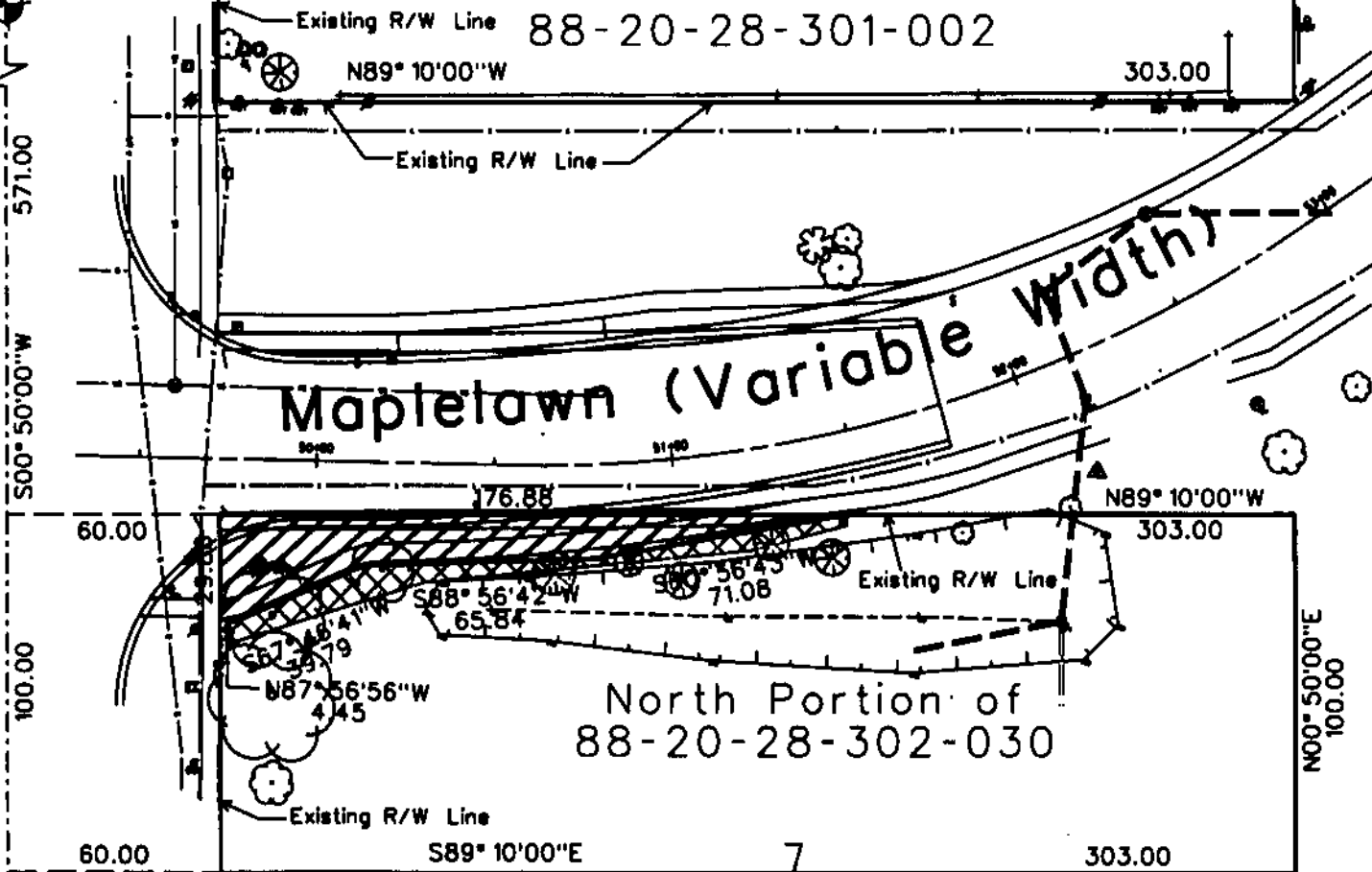
Re: Tree & Shrub Evaluation for
2040 Crooks

On November 18, 2003 I visited the location indicated above and evaluated the plant materials described below.

Quantity	Botanical Name	Common Name	Size	Total Value
1	Acer saccharinum	Silver Maple	28" DBH	\$3,308.60
1	Ulmus pumila	Siberian Elm	22" DBH	\$1,021.17
Total				\$4,329.77

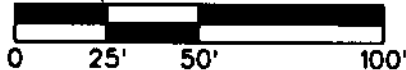
W 1/4 Cor.
Sec. 28

Crooks Rd.



North Portion of
88-20-28-302-030

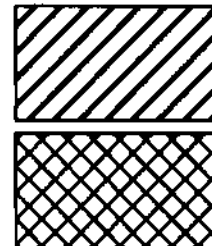
Graphic Scale: 1"=50'



Maple Garden Estates
(See 43, Page 53)

Permanent Easement
for Roadway, Sidewalk,
and Public Utilities
Area-2246 Sq.Ft.

Temporary Grading
Permit
Area-886 Sq.Ft.



Parcel #26

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME GJB III	NAME	See Below
VER.	DATE 10-08-03	DATE	VIEW #1
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	
STEVEN J. VANDETTE CITY ENGINEER		SHEET No.	JOB No.
		1 of 1	



Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: February 18, 2004
Subject: Request for Recognition as a Nonprofit Organization Status from Somerset Collection Charitable Foundation for the Purpose of Obtaining a Charitable Gaming License

Attached is a request from G. Thomas York, C.F.O of the Somerset Collection Charitable Foundation seeking recognition as a non-profit organization for the purpose of obtaining a charitable gaming license in order to sponsor a raffle in conjunction with their 2004 Home Show. It has been City Management's practice to support the approval of such requests.

TO: The Honorable Mayor and City Council

COPY: John Szerlag, City Manager

SUBJECT: Recognition of Somerset Collection Charitable Foundation as a non-profit organization

DATE: February 17, 2004

The Somerset Collection Charitable Foundation would like to obtain a Charitable Gaming License to conduct a raffle in conjunction with our 2004 Home Show. One of the requirements to obtain this license is a resolution from the City of Troy, confirming that the Somerset Collection Charitable Foundation is a recognized nonprofit organization in the community.

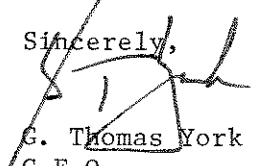
The Somerset Collection Charitable Foundation is a nonprofit 501(c)(3) organization formed by the Somerset Collection Merchants Association. Our purpose is to raise money for two to four local charities throughout the year- particularly those that do not benefit from other large fundraisers.

The Somerset Collection Charitable Foundation was initiated this year, when it became apparent through past Home Show events that we had the capability to raise, not only funds, but also awareness of the important work that our selected philanthropic partners provide in our communities. The Home Show events presented during the past five years by the Somerset Collection Merchants Association have exceeded all expectations both in terms of traffic at the events and with increased awareness of the charities involved. While this is our first year as the Somerset Collection Charitable Foundation, we have spearheaded past fundraising activities that have raised thousands of dollars for organizations such as the Detroit Symphony Orchestra, Variety the Children's Charity, CATCH for Children's Hospital, The Suite Dreams Project, Beaumont Pediatric Cancer Survivors Scholarship Fund, University Cancer Foundation, Share our Strength and The Children's Center.

Attached is documentation verifying our 501(c)(3) status.

If you have any questions or need additional information, please contact Linda McIntosh (248.643.6360) at the Somerset Collection or G. Thomas York (248.827.4600) at The Forbes Company.

Sincerely,



G. Thomas York
C.F.O.

Somerset Collection Charitable Foundation



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a Regular meeting of the Troy City Council
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on March 1, 2004
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from Semenet Collection Charitable Foundation of Troy
NAME OF ORGANIZATION CITY

county of Oakland, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for Approval
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Troy City Council at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on March 1, 2004
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)

100 Galleria Officentre
Suite 427
Southfield, Michigan 48034
248.827.4600
248.827.1379 Fax

THE FORBES COMPANY

February 24, 2004


Ms. Aileen Bittner
City Clerk's Office/Elections
500 W. Big Beaver Road
Troy, MI 48084

Dear Ms. Bittner:

Per our conversation, enclosed is the additional information you need for the Somerset Collection Charitable Foundation resolution to be reviewed and voted on at the Troy City Council meeting March 1, 2004.

Sincerely yours,

THE FORBES COMPANY



G. Thomas York
Chief Financial Officer

GTY/jmm

Enclosures

**Application for Recognition of Exemption
Under Section 501(c)(3) of the Internal Revenue Code**

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

Read the instructions for each Part carefully.

A User Fee must be attached to this application.

If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.

Complete the Procedural Checklist on page 8 of the instructions.

Part I Identification of Applicant

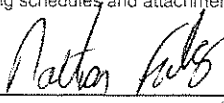
1a Full name of organization (as shown in organizing document)		2 Employer identification number (EIN) (If none, see page 3 of the Specific Instructions .)
SOMERSET COLLECTION CHARITABLE FOUNDATION		20-0669940
1b c/o Name (if applicable)		3 Name and telephone number of person to be contacted if additional information is needed
1c Address (number and street)	Room/Suite	James T. Carroll 248-489-8600 x362
2800 Big Beaver Road	300	4 Month the annual accounting period ends December
1d City, town, or post office, state, and ZIP + 4. If you have a foreign address, see Specific Instructions for Part I, page 3.		5 Date incorporated or formed February 3, 2004
Troy, Michigan 48084		6 Check here if applying under section: a <input type="checkbox"/> 501(e) b <input type="checkbox"/> 501(f) c <input type="checkbox"/> 501(k) d <input type="checkbox"/> 501(n)
1e Web site address N/A		
7 Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," attach an explanation.		
8 Is the organization required to file Form 990 (or Form 990-EZ)? <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach an explanation (see page 3 of the Specific Instructions).		
9 Has the organization filed Federal income tax returns or exempt organization information returns? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," state the form numbers, years filed, and Internal Revenue office where filed.		

10 Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING. (See **Specific Instructions** for Part I, Line 10, on page 3.) See also Pub. 557 for examples of organizational documents.)

- a ☒ Corporation — Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.
- b ☐ Trust — Attach a copy of the Trust indenture or Agreement, including all appropriate signatures and dates.
- c ☐ Association — Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.

If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here ☐

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here  Nathan Forbes, President 2/24/04
(Signature) (Type or print name and title or authority of signer) (Date)

For Paperwork Reduction Act Notice, see page 7 of the instructions.

Part II Activities and Operational Information

- 1 Provide a detailed narrative description of all the activities of the organization — past, present, and planned. **Do not merely refer to or repeat the language in the organizational document.** List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity furthers your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

SEE ATTACHED

- 2 What are or will be the organization's sources of financial support? List in order of size.

SEE ATTACHED

- 3 Describe the organization's fundraising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fundraising activities such as selective mailings, formation of fundraising committees, use of volunteers or professional fundraisers, etc. Attach representative copies of solicitations for financial support.

SEE ATTACHED

Part II Activities and Operational Information (Continued)**4** Give the following information about the organization's governing body:**a** Names, addresses, and titles of officers, directors, trustees, etc.

SEE ATTACHED

b Annual compensation

SEE ATTACHED

c Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? ☐ Yes ☒ No
If "Yes," name those persons and explain the basis of their selection or appointment.

d Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See **Specific Instructions** for Part II, Line 4d, on page 3.) ☐ Yes ☒ No
If "Yes," explain.

5 Does the organization control or is it controlled by any other organization? ☐ Yes ☒ No
Is the organization the outgrowth of (or successor to) another organization, or does it have a special relationship with another organization by reason of interlocking directorates or other factors? ☐ Yes ☒ No
If either of these questions is answered "Yes," explain.

6 Does or will the organization directly or indirectly engage in any of the following transactions with any political organization or other exempt organization (other than a 501(c)(3) organization): (a) grants; (b) purchases or sales of assets; (c) rental of facilities or equipment; (d) loans or loan guarantees; (e) reimbursement arrangements; (f) performance of services, membership, or fundraising solicitations; or (g) sharing of facilities, equipment, mailing lists or other assets, or paid employees? ☐ Yes ☒ No
If "Yes," explain fully and identify the other organizations involved.

7 Is the organization financially accountable to any other organization? ☐ Yes ☒ No
If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

Part II Activities and Operational Information (Continued)

- 8 What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken. If none, indicate "N/A."

- 9 Will the organization be the beneficiary of tax-exempt bond financing within the next 2 years? ☐ Yes ☒ No

- 10a Will any of the organization's facilities or operations be managed by another organization or individual under a contractual agreement? ☐ Yes ☒ No

- b Is the organization a party to any leases? ☐ Yes ☒ No
If either of these questions is answered "Yes," attach a copy of the contracts and explain the relationship between the applicant and the other parties.

SEE ATTACHED

- 11 Is the organization a membership organization? ☐ Yes ☒ No
If "Yes," complete the following:

- a Describe the organization's membership requirements and attach a schedule of membership fees and dues.

- b Describe the organization's present and proposed efforts to attract members and attach a copy of any descriptive literature or promotional material used for this purpose.

- c What benefits do (or will) the members receive in exchange for their payment of dues?

- 12a If the organization provides benefits, services, or products, are the recipients required, or will they be required, to pay for them? ☐ N/A ☐ Yes ☒ No
If "Yes," explain how the charges are determined and attach a copy of the current fee schedule.

- b Does or will the organization limit its benefits, services, or products to specific individuals or classes of individuals? ☐ N/A ☐ Yes ☒ No
If "Yes," explain how the recipients or beneficiaries are or will be selected.

- 13 Does or will the organization attempt to influence legislation? ☐ Yes ☒ No
If "Yes," explain. Also, give an estimate of the percentage of the organization's time and funds that it devotes or plans to devote to this activity.

- 14 Does or will the organization intervene in any way in political campaigns, including the publication or distribution of statements? ☐ Yes ☒ No
If "Yes," explain fully.

Part III Technical Requirements

- 1 Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed? ☒ Yes ☐ No

If you answer "Yes," do not answer questions on lines 2 through 6 below.

- 2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 7.

Exceptions — You are not required to file an exemption application within 15 months if the organization:

- ☐ a Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church. See **Specific Instructions**, Line 2a, on page 4;
- ☐ b Is not a private foundation and normally has gross receipts of not more than \$5,000 in each tax year; or
- ☐ c Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

- 3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed? ☐ Yes ☐ No

If "Yes," your organization qualifies under Regulation section 301.9100-2, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 6.

If "No," answer question 4.

- 4 If you answer "No" to question 3, does the organization wish to request an extension of time to apply under the "reasonable action and good faith" and the "no prejudice to the interest of the government" requirements of Regulations section 301.9100-3? ☐ Yes ☐ No

If "Yes," give the reasons for not filing this application within the 27-month period described in question 3. See **Specific Instructions**, Part III, Line 4, before completing this item. Do not answer questions 5 and 6.

If "No," answer questions 5 and 6.

- 5 If you answer "No" to question 4, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed? ☐ Yes ☐ No
- 6 If you answer "Yes" to question 5 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here ☐ and attach a completed page 1 of Form 1024 to this application.

Part III Technical Requirements (Continued)

7 Is the organization a private foundation?

☐ Yes (Answer question 8.)☒ No (Answer question 9 and proceed as instructed.)

8 If you answer "Yes" to question 7, does the organization claim to be a private operating foundation?

☐ Yes (Complete Schedule E.)☐ No

After answering question 8 on this line, go to line 14 on page 7.

9 If you answer "No" to question 7, indicate the public charity classification the organization is requesting by checking the box below that most appropriately applies:

THE ORGANIZATION IS NOT A PRIVATE FOUNDATION BECAUSE IT QUALIFIES:

- | | | |
|---|--|--|
| a | <input type="checkbox"/> As a church or a convention or association of churches
(CHURCHES MUST COMPLETE SCHEDULE A.) | Sections 509(a)(1)
and 170(b)(1)(A)(i) |
| b | <input type="checkbox"/> As a school (MUST COMPLETE SCHEDULE B.) | Sections 509(a)(1)
and 170(b)(1)(A)(ii) |
| c | <input type="checkbox"/> As a hospital or cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital (These organizations, except for hospital service organizations, MUST COMPLETE SCHEDULE C.) | Sections 509(a)(1)
and 170(b)(1)(A)(iii) |
| d | <input type="checkbox"/> As a governmental unit described in section 170(c)(1). | Sections 509(a)(1)
and 170(b)(1)(A)(v) |
| e | <input type="checkbox"/> As being operated solely for the benefit of, or in connection with, one or more of the organizations described in a through d, g, h, or i (MUST COMPLETE SCHEDULE D.) | Section 509(a)(3) |
| f | <input type="checkbox"/> As being organized and operated exclusively for testing for public safety. | Section 509(a)(4) |
| g | <input type="checkbox"/> As being operated for the benefit of a college or university that is owned or operated by a governmental unit. | Sections 509(a)(1)
and 170(b)(1)(A)(vi) |
| h | <input type="checkbox"/> As receiving a substantial part of its support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. | Sections 509(a)(1)
and 170(b)(1)(A)(vi) |
| i | <input type="checkbox"/> As normally receiving not more than one-third of its support from gross investment income and more than one-third of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). | Section 509(a)(2) |
| j | <input checked="" type="checkbox"/> The organization is a publicly supported organization but is not sure whether it meets the public support test of h or i. The organization would like the IRS to decide the proper classification. | Sections 509(a)(1)
and 170(b)(1)(A)(vi)
or Section 509(a)(2) |

If you checked one of the boxes a through f in question 9, go to question

14. If you checked box g in question 9, go to questions 11 and 12.

If you checked box h, i, or j, in question 9, go to question 10.

Part III Technical Requirements (Continued)

- 10** If you checked box **h**, **i**, or **j** in question 9, has the organization completed a tax year of at least 8 months?
- ☐ **Yes** — Indicate whether you are requesting:
- ☐ A definitive ruling. (Answer questions 11 through 14.)
- ☐ An advance ruling. (Answer questions 11 and 14 and attach two Forms 872-C completed and signed.)
- ☒ **No** — You must request an advance ruling by completing and signing two Forms 872-C and attaching them to the Form 1023.

- 11** If the organization received any unusual grants during any of the tax years shown in Part IV-A, **Statement of Revenue and Expenses**, attach a list for each year showing the name of the contributor; the date and the amount of the grant; and a brief description of the nature of the grant.

N/A

- 12** If you are requesting a definitive ruling under section 170(b)(1)(A)(iv) or (vi), check here ☐ and:

- a** Enter 2% of line 8, column (e), Total, of Part IV-A.
- b** Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts, grants, contributions, etc., were more than the amount entered on line **12a** above.

- 13** If you are requesting a definitive ruling under section 509(a)(2), check here ☐ and:

- a** For each of the years included on lines 1, 2, and 9 of Part IV-A, attach a list showing the name of and amount received from each "disqualified person." (For a definition of "disqualified person," see **Specific Instructions**, Part II, Line 4d, on page 3.)
- b** For each of the years included on line 9 of Part IV-A, attach a list showing the name of and amount received from each payer (other than a "disqualified person") whose payments to the organization were more than \$5,000. For this purpose, "payer" includes, but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any governmental agency or bureau.

- 14** Indicate if your organization is one of the following. If so, complete the required schedule. (Submit only those schedules that apply to your organization. **Do not submit blank schedules.**)

	Yes	No	If "Yes," complete Schedule:
Is the organization a church?		X	A
Is the organization, or any part of it, a school?		X	B
Is the organization, or any part of it, a hospital or medical research organization?		X	C
Is the organization a section 509(a)(3) supporting organization?		X	D
Is the organization a private operating foundation?		X	E
Is the organization, or any part of it, a home for the aged or handicapped?		X	F
Is the organization, or any part of it, a child care organization?		X	G
Does the organization provide or administer any scholarship benefits, student aid, etc.?		X	H
Has the organization taken over, or will it take over, the facilities of a "for profit" institution?		X	I

Part IV Financial Data

Complete the financial statements for the current year and for each of the 3 years immediately before it. If in existence less than 4 years, complete the statements for each year in existence. If in existence less than 1 year, also provide proposed budgets for the 2 years following the current year.

A. Statement of Revenue and Expenses

		Current tax year	3 prior tax years or proposed budget for 2 years		(e) TOTAL	
		(a) From _____ to _____	(b) 2004 _____	(c) 2005 _____ SEE ATTACHED		(d) _____ SEE ATTACHED
Revenue	1 Gifts, grants, and contributions received (not including unusual grants — see page 6 of the instructions)		1,800,000	1,800,000		3,600,000.00
	2 Membership fees received		0	0		0.00
	3 Gross investment income (see instructions for definition)		8,880	8,880		17,760.00
	4 Net income from organization's unrelated business activities not included on line 3		0	0		0.00
	5 Tax revenues levied for and either paid to or spent on behalf of the organization		0	0		0.00
	6 Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge)		0	0		0.00
	7 Other income (not including gain or loss from sale of capital assets) (attach schedule)		0	0		0.00
	8 Total (add lines 1 through 7)		1,808,880.00	1,808,880.00		3,617,760.00
	9 Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity that is not an unrelated business within the meaning of section 513. Include related cost of sales on line 22		420,000	420,000		840,000.00
	10 Total (add lines 8 and 9)		2,228,880.00	2,228,880.00		4,457,760.00
	11 Gain or loss from sale of capital assets (attach schedule)		0	0		0.00
	12 Unusual grants		0	0		0.00
	13 Total revenue (add lines 10 through 12)		2,228,880.00	2,228,880.00		4,457,760.00
Expenses	14 Fundraising expenses		1,295,000	1,295,000		
	15 Contributions, gifts, grants, and similar amounts paid (attach schedule)		828,880	828,880		
	16 Disbursements to or for benefit of members (attach schedule)		0	0		
	17 Compensation of officers, directors, and trustees (attach schedule)		0	0		
	18 Other salaries and wages		60,000	60,000		
	19 Interest		0	0		
	20 Occupancy (rent, utilities, etc.)		45,000	45,000		
	21 Depreciation and depletion		0	0		
	22 Other (attach schedule)		0	0		
	23 Total expenses (add lines 14 through 22)		2,228,880.00	2,228,880.00		
	24 Excess of revenue over expenses (line 13 minus line 23)		0.00	0.00		

Part IV**Financial Data (Continued)****B. Balance Sheet (at the end of the period shown)**Current tax year
Date _____**Assets**

1	Cash	1	
2	Accounts receivable, net	2	
3	Inventories	3	
4	Bonds and notes receivable (attach schedule)	4	
5	Corporate stocks (attach schedule)	5	
6	Mortgage loans (attach schedule)	6	
7	Other investments (attach schedule)	7	
8	Depreciable and depletable assets (attach schedule)	8	
9	Land	9	
10	Other assets (attach schedule)	10	
11	Total assets (add lines 1 through 10)	11	

Liabilities

12	Accounts payable	12	
13	Contributions, gifts, grants, etc., payable	13	
14	Mortgages and notes payable (attach schedule)	14	
15	Other liabilities (attach schedule)	15	
16	Total liabilities (add lines 12 through 15)	16	

Fund Balances or Net Assets

17	Total fund balances or net assets	17	
18	Total liabilities and fund balances or net assets (add line 16 and line 17)	18	

If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation. ▶ ☐

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part II Activities and Operational Information

1. Provide a detailed narrative description of all the activities of the organization - past, present, and planned. Do not merely refer to or repeat the language in the organizational document. List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity further your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

(a) The organization is newly formed and its activities have only commenced this month (February 2004). It is expected that the organization will undertake numerous activities to raise funds in order to distribute the net proceeds therefrom to other tax-exempt organizations. Contemplated activities for calendar year 2004 and beyond include: (1) holding one or more raffles pursuant to which the net proceeds will be distributed to other tax-exempt organizations, (2) leasing one or more properties to (a) host home tours for private groups and the general public at an admission price of \$10.00 per person, and (b) subleasing the property for two separate one-week periods, and the net proceeds of the home tours and the subleases will be distributed to other tax-exempt organizations, (3) undertaking other fund-raising activities to raise funds for other tax exempt organizations, and (4) accepting gifts from public and private sources which will in turn be, in part, used to fund the organization's limited operating costs and, primarily, distributed to other tax-exempt organizations. The organization estimates that approximately 70% of its 2004 time will be allocated to the raffle event, 25% to the leased property and 5% to all other activities.

(b) As to activity (a) (1) above, the organization has commenced the process of conducting its first raffle, which is expected to occur in September 2004. Other raffles may be held from time to time as the organization deems appropriate.

As to activity (a)(2) above, the organization is currently negotiating the terms of the lease for a property in Birmingham, Michigan, with an expected lease term of about three months (roughly late June 2004 through late September 2004).

As to activity (a)(3) above, the organization has not initiated or determined any additional activities at this time.

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part II Activities and Operational Information (continuation)

1. Provide a detailed narrative description of all the activities of the organization - past, present, and planned. Do not merely refer to or repeat the language in the organizational document. List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity further your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

As to activity (a)(4) above, the organization began to receive gifts from private sources in February, 2004, once the organization was incorporated.

- (c) The activities contemplated by the organization will take place in the metropolitan Detroit, southeast Michigan area. The raffle planned for 2004 will be held in Troy, Michigan at a dinner held in conjunction with the raffle drawing. The property the organization anticipates leasing is located in Birmingham, Michigan. The organization expects to operate through the efforts of its directors, officers and many volunteers. From time to time, the organization expects to hire and/or contract with persons to complete projects or provide services in conjunction with and in furtherance of the organization's charitable activities. No officers or directors will be compensated for their efforts.

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part II -Activities and Operational Information

2. What are or will be the organization's sources of financial support? List in order of size.

For calendar year 2004,

- a. Sale of raffle tickets and/or other fund raising events,
- b. Proceeds of home tours from leased property,
- c. Proceeds from subletting the leased property,
- d. Gifts from private sources, and
- e. Gifts from public sources.

While it is anticipated that revenues of the organization will be similarly allocated in future years, it is likely that the order of the size of such revenue support will vary from year to year. Nonetheless, the sources of revenue should be the same.

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part II - Activities and Operational Information

3. Describe the organization's fund-raising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fund-raising activities such as selective mailings, formation of fund-raising committees, use of volunteers or professional fund-raises, etc. Attach representative copies of solicitations for financial support.

In 2004, the organization will conduct one raffle to raise funds for the organization's tax-exempt beneficiaries. Officers and directors of the organization and volunteers will be responsible for coordinating the raffle event and selling raffle tickets. All fund-raising activities will be performed by officers, directors and/or volunteers, and professional fund-raisers will not be used. The organization anticipates the use of television, radio and print media to advertise the raffle event. It will also use targeted direct mailings for purposes of promoting the raffle event. No payments will be made other than for prizes and expenses related to the raffle event (including advertising and purchasing prizes).

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part II - Activities and Operational Information

4. Give the following information about the organization's governing body:

a. Names, addresses, and titles of officers, directors, trustees, etc.

<u>Name</u>	<u>Address</u>	<u>Title</u>
Sidney Forbes	1350 Kirkway, Bloomfield Hills, MI 48302	Director
Nathan Forbes	31625 Nottingham, Franklin, MI 48025	President & Director
Timothy S. Blair	29497 Gramercy Court, Farmington Hills, MI 48336	Vice President
G. Thomas York, Jr.	221 St. Lawrence Blvd., Northville, MI 48167	Secretary. & Treasurer
Linda McIntosh	17692 Parkshore Drive, Northville, MI 48167	Asst. Vice President
James Westcott	2672 Brentwood Drive, Lake Orion, MI 48360	Asst. Vice President

b. Annual Compensation

None of the officers or directors will be compensated for their services provided to the organization in their respective capacities as officers and/or director of the organization.

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part II- Activities and Operational Information

10b. Is the organization a party to any leases? ☐ Yes ☒ No

The organization does not lease any property for its operations. Currently, however, the organization is negotiating a lease for a residential home located at 615 Hanna Street, Birmingham, Michigan, for the purpose of home tours and subleasing the property for large events. There is now and will continue to be no relationship between the parties to the proposed lease agreement.

Form 1023
Application for Recognition of Exemption
Somerset Collection Charitable Foundation
20-0669940

Part IV- Financial Data

A. Statement of Revenue and Expenses.

For calendar year 2005, the organization expects to hold a raffle similar to the raffle to be held in 2004; however, the organization will make a decision regarding the scope and magnitude of such raffle (and therefore the revenue and expenses associated therewith) only after the raffle for 2004 is completed.

Similarly, the organization would like to lease a home for a home tour in 2005, but, at this time, no such home has been targeted by the organization.

Accordingly, the organization has proposed a budget for 2005 that is the same as the budget of 2004.

Michigan Department of Consumer and Industry Services

Filing Endorsement

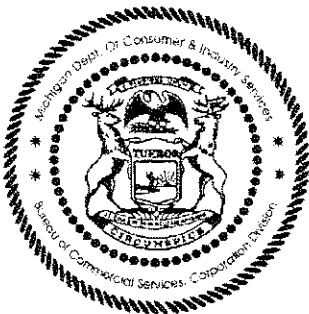
This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT

for

SOMERSET COLLECTION CHARITABLE FOUNDATION

ID NUMBER: 768520

*received by facsimile transmission on January 19, 2004 is hereby endorsed filed on
February 3, 2004 by the Administrator. The document is effective on the date filed,
unless a subsequent effective date within 90 days after received date is stated in the
document.*



*In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 3rd day
of February, 2004.*

, Director

Bureau of Commercial Services

BCSCD-502 (Rev. 12/03)

**MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES**

Date Received

(FOR BUREAU USE ONLY)

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Suzanne Holdridge at Couzens Lansky

Address

39395 W. 12 Mile, Suite 200

City

State

Zip Code

Farmington Hills

MI

48331

EFFECTIVE
DATEDocument will be returned to the name and address you enter above.
If left blank document will be mailed to the registered office.**ARTICLES OF INCORPORATION**

For use by Domestic Non-Profit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

Somerset Collection Charitable Foundation

ARTICLE IIThe purpose or purposes for which the corporation is organized are:
See attached**ARTICLE III**

1. The corporation is organized upon a _____ nonstock _____ basis.
(Stock or Nonstock)
2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is _____. If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (if none, insert "none")

none

b. The description and value of its personal property assets are: (if none, insert "none")

none

c. The corporation is to be financed under the following general plan:

Contributions from public and private sources

d. The corporation is organized on a directorship basis.
(Membership or Directorship)

ARTICLE IV

1. The address of the registered office is:

100 Galleria Officentre, Suite 427

Southfield

Michigan

48034

(Street Address)

(City)

(ZIP Code)

2. The mailing address of the registered office, if different than above is:

(Street Address or P.O. Box)

(City)

Michigan

(ZIP Code)

3. The name of the resident agent at the registered office is:

Nathan Forbes

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name

Residence or Business Address

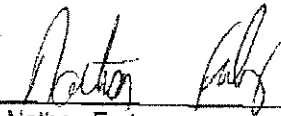
Nathan Forbes

100 Galleria Officentre, Suite 427, Southfield, MI 48034

Use space below for additional Articles of for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

Articles VI- IX - See attached

I (We), the incorporator(s) sign my (our) name(s) this 16TH day of JANUARY, 2004



Nathan Forbes

Attachment to the
Articles of Incorporation for
Somerset Collection Charitable Foundation

Article II

The purpose or purposes for which the Corporation is organized are:

To solicit, collect, receive, and administer funds exclusively for such religious, charitable, educational and scientific organizations as permitted for organizations defined in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, in particular, the making of distributions to other organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code;

To take and to hold by devise, gift, purchase or lease for the above purposes any property, real, personal or mixed, without limitation as to amount or value, except such limitations as may be provided in these Articles, the By-Laws of the Corporation or imposed by law;

To sell, convey and dispose of any such property and to invest and reinvest the property held;

To deal with and distribute the Corporation's income and assets in such manner as in the Directors' judgment will best promote its objectives and purposes, without limitation except such, if any, as may be contained in instruments under which such property is conveyed to the Corporation; and

To exercise generally any power which is consistent with the purposes described above and which a nonprofit corporation organized under the provisions of the Michigan Non-profit Corporation Act may exercise.

Article VI

No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose set forth in Article II hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing of or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code or (b) by a corporation, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code.

Article VII

Upon dissolution of the Corporation, the Board of Directors shall, after paying or making provision for payment of all of the liabilities of the Corporation, dispose of all the assets of the Corporation exclusively for the purpose of the Corporation in such manner, or to such organization or organizations organized and/or operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code, as the Board of Directors shall determine.

ARTICLE VIII

If at any time the Corporation is or shall become a private foundation within the meaning of Section 509(a) of the Internal Revenue Code, then the Corporation will be subject to the following as of such time and thereafter:

- (1) The Corporation shall distribute its income for each taxable year at such time and in such

manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code.

(2) The Corporation shall not engage in any act of self dealing as defined in Section 4941(d) of the Internal Revenue Code.

(3) The Corporation shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code.

(4) The Corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code.

(5) The Corporation shall not make any Taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

ARTICLE IX

A volunteer director or officer of the Corporation shall not be personally liable to the Corporation, its shareholders or members for monetary damages for breach of the director's or officer's fiduciary duty, except for liability:

(1) For any breach of the volunteer director's or officer's duty of loyalty to the Corporation, its shareholders or its members;

(2) For acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;

(3) For a violation of Section 551(1) of the Michigan Non-Profit Corporation Act;

(4) For any transaction from which the volunteer director or officer derived an improper personal benefit;

(5) For any acts or omissions occurring before the date of filing of this document; and

(6) For any acts or omissions that are grossly negligent.

The Corporation assumes all liability to any person other than the Corporation, its shareholders, or its members for all acts or omissions of a volunteer director occurring after the date of filing this document incurred in the good faith performance of the volunteer director's duties.

The Corporation assumes the liability for all acts or omissions of a volunteer director, volunteer officer, or other volunteer occurring after the date of filing this document if the following are met:

(a) The volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority.

(b) The volunteer was acting in good faith.

(c) The volunteer's conduct did not amount to gross negligence or willful and wanton misconduct.

(d) The volunteer's conduct was not an intentional tort.

(e) The volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in section 3135 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being M.C.L.A. §500.3135.

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Michigan Department of Consumer and Industry Services

Filing Endorsement

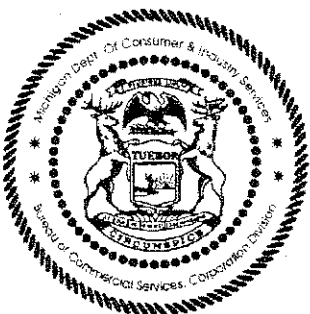
This is to Certify that the CERT. OF CHANGE OF REG. OFF./RES. AGENT

for

SOMERSET COLLECTION CHARITABLE FOUNDATION

ID NUMBER: 768520

received by facsimile transmission on February 5, 2004 is hereby endorsed filed on February 9, 2004 by the Administrator. The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 9th day of February, 2004.

, Director

Bureau of Commercial Services

02/04/2004 18:54 FAX 1 248 827 1734
02/03/2004 16:15 FAX 248 489 4156

THE FORBES CO
COUZENS LANSKY

002
002

C&S 520 (Rev. 3/00)

MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES - BUREAU OF COMMERCIAL SERVICES

Date Received

(FOR BUREAU USE ONLY)

This document is effective on the date filed, unless
a subsequent effective date within 90 days after
received date is stated in the document.

Name James T. Carroll
Couzens, Lansky, Fealk, Ellis, Roeder & Lazar, P.C.

Address 39395 West Twelve Mile Road, Suite 200

City Farmington Hills, Michigan 48331

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank document will be mailed to the registered office.

CERTIFICATE OF CHANGE OF REGISTERED OFFICE AND/OR CHANGE OF RESIDENT AGENT

For use by Domestic and Foreign Corporations and Limited Liability Companies
(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 284, Public Acts of 1972 (profit corporations), Act 162, Public Acts of 1982 (nonprofit corporations), or Act 23, Public Acts of 1998 (limited liability companies), the undersigned corporation or limited liability company executes the following Certificate:

1. The name of the corporation or limited liability company is:
Somerset Collection Charitable Foundation
2. The identification number assigned by the Bureau is:
768520
3. a. The name of the resident agent on file with the Bureau is: Nathan Forbes
- b. The location of the registered office on file with the Bureau is:
100 Galleria Officecentre, Suite 427 Southfield, Michigan 48034
(Street Address) (City) (Zip Code)
- c. The mailing address of the above registered office on file with the Bureau is:
same as above (City) (Zip Code)
(P.O. Box)

ENTER IN ITEM 4 THE INFORMATION AS IT SHOULD NOW APPEAR ON THE PUBLIC RECORD

4. a. The name of the resident agent is: Nathan Forbes
- b. The address of the registered office is:
2800 Big Beaver Road, Suite 300 Troy, Michigan 48064
(Street Address) (City) (Zip Code)
- c. The mailing address of the registered office IF DIFFERENT THAN 4B is:
(City) (Zip Code)
(P.O. Box)

5. The above changes were authorized by resolution duly adopted by 1. ALL CORPORATIONS: its Board of Directors; 2. PROFIT CORPORATIONS ONLY: the resident agent if only the address of the registered office is changed, in which case a copy of this statement has been mailed to the corporation; 3. LIMITED LIABILITY COMPANIES: an operating agreement, affirmative vote of a majority of the members pursuant to section 302(1), managers pursuant to section 406, or the resident agent if only the address of the registered office is changed.

6. The corporation or limited liability company further states that the address of its registered office and the address of its resident agent, as changed, are identical.

Signature



Type or Print Name and Title
Nathan Forbes, President

Date Signed

2-4-04

C&S 520

SOMERSET COLLECTION CHARITABLE FOUNDATION

SECRETARY'S CERTIFICATE

I, the undersigned, being the Secretary of SOMERSET COLLETION CHARITABLE FOUNDATION, hereby certify that the By-Laws attached as Exhibit A were duly adopted on the 19th day of January, 2004, that By-Laws are still in force and effect and that the foregoing By-Laws are in accordance with applicable laws and in conformity with the Articles of Incorporation of the Corporation.

Dated: February 24, 2004



G. Thomas York, Secretary

EXHIBIT A

By-Laws

See attached 10 pages

**BY-LAWS
OF
SOMERSET COLLECTION CHARITABLE FOUNDATION**

ARTICLE I

NAME

SECTION 1. The name of the Corporation shall be SOMERSET COLLECTION CHARITABLE FOUNDATION.

ARTICLE II

PURPOSES

SECTION 1. The purposes for which the Corporation is formed are those set forth in its Articles of Incorporation, as from time to time amended, namely:

(a) To solicit, collect, receive, and administer funds exclusively for such religious, charitable, educational and scientific organizations as permitted for organizations defined in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"); in particular, the making of distributions to other organizations that qualify as exempt organizations under Section 501(c)(3) of the Code;

(b) To take and to hold by devise, gift, purchase or lease for the above purposes any property, real, personal or mixed, without limitation as to amount or value, except such limitations as may be provided in the Articles of Incorporation, these By-Laws, or imposed by law;

(c) To sell, convey and dispose of any such property and to invest and reinvest the property he or she held;

(d) To deal with and distribute the Corporation's income and assets in such manner as in the Directors' judgment will best promote its objectives and purposes, without limitation except such, if any, as may be contained in instruments under which such property is conveyed to the Corporation; and

(e) To exercise generally any power that is consistent with the purposes described above and which a nonprofit corporation organized under the provisions of the Michigan Non-Profit Corporation Act may exercise.

ARTICLE III

BASIC POLICIES

SECTION 1. The Corporation shall be non-profit and nonpartisan for so long as the Corporation is in existence.

SECTION 2. The name of the Corporation or the names of any Directors in their official capacities shall not be used in any partisan interest or for any purpose not appropriately related to promotion of the objectives of the Corporation.

SECTION 3. The Corporation is constituted so as to receive substantial support from gross receipts derived from private contributors, activities directly related to its exempt functions and to attract contributions from the public in the community in which it operates and has not been formed for pecuniary profit or financial gain, and no part of the assets, income, or profit of the Corporation shall be distributable to, or inure to the benefit of its Directors or Officers except to the extent permitted under the Michigan Non-Profit Corporation Act. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these By-Laws, the Corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Code (or the corresponding provision of any future United States Internal Revenue Law), or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code (or corresponding provision of any future United States Internal Revenue Law).

SECTION 4. Upon the dissolution of the Corporation, the Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation, or to such organization or organizations organized and operated exclusively for charitable, educational, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Code (or the corresponding provision of any future United States Internal Revenue Law), in such manner as the Directors shall determine.

ARTICLE IV

OFFICES

SECTION 1. The registered office shall be in the City of Troy, County of Oakland, State of Michigan.

SECTION 2. The Corporation may also have offices at such other places either within or without the State of Michigan as the Board of Directors may from time to time determine or the business of the Corporation may require.

ARTICLE V

FISCAL YEAR

SECTION 1. The fiscal year of the Corporation shall end on the last day of December of each year unless another date shall be fixed by resolution of the Board of Directors. After such date is fixed, it may be changed for future fiscal years at any time by further resolution of the Board of Directors.

ARTICLE VI

DIRECTORSHIP ORGANIZATION

SECTION 1. The organization is based upon a directorship basis. All matters shall be subject to duly authorized action by the Board of Directors. There shall be no members.

SECTION 2. The initial Board of Directors shall be selected by a majority of the Incorporators at a meeting or by written instrument.

ARTICLE VII

DIRECTORS

SECTION 1. The number of Directors that shall constitute the whole Board shall consist of at least two (2) Directors. Each Director shall hold office until he or she resigns or is removed with or without cause by a majority of the Directors then in office.

SECTION 2. Vacancies and newly created directorships resulting from any increase in the authorized number of Directors may be filled by a majority of the Directors then in office, though less than a quorum, or by a sole remaining Director, and the Directors so chosen shall hold office until a successor Director has been duly elected by a majority of the remaining Directors. If there are no Directors in office, then an election of Directors may be held in the manner provided by statute.

SECTION 3. The property and lawful business of the Corporation shall be held and managed by its Board of Directors which may exercise all such powers of the Corporation and do all such lawful acts and things in connection with the management of the Corporation.

SECTION 4. A Director of the Corporation who is either present at a meeting of the Board of Directors at which action on any corporate matter is taken, or who is absent but has notice of such action by certified mail, shall be presumed to have assented to the action taken unless he or she shall file his or her written dissent to such action with the person acting as Secretary of the meeting before the adjournment thereof or shall forward such dissent by certified mail to the Secretary of the Corporation immediately after the adjournment of the meeting or within seven (7) days after written notification of such action by certified mail. The objection shall be deemed made when mailed by certified mail. Such right to dissent shall not apply to a Director who voted in favor of such action.

SECTION 5. The Board of Directors of the Corporation may hold meetings, both regular and special, either within or without the State of Michigan.

SECTION 6. The first meeting of each newly designated Board of Directors shall be held at such time and place as shall be designated by any member of the Board upon not less than three (3) days notice by mail to each newly designated Director. A majority of Directors shall constitute a quorum for the first meeting. In the event of the failure of the members to fix the time or place of such first meeting of the newly elected Board of Directors, or in the event such meeting is not held at the time and place so fixed by the members, the meeting may be held at such time and place as shall be specified in a notice given as hereinafter provided for special meetings of the Board of Directors, or as shall be specified in a written waiver signed by all of the Directors. An annual meeting of the Directors shall be held within two (2) months after the end of the Corporation's fiscal year as shall be determined by the Board of Directors.

SECTION 7. Regular meetings of the Board of Directors may be held without notice at such time and at such place as shall from time to time be determined by the Board.

SECTION 8. Special meetings of the Board may be called by the President on one (1) days notice to each Director, either personally or by mail or by telegram; special meetings shall be called by the President or Secretary in like manner and on like notice on the written request by two (2) of the Directors (or by one (1) Director if there is only one (1) Director of the Corporation).

SECTION 9. At all meetings of the Board, a majority of the Directors shall constitute a quorum for the transaction of business and the act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as may be otherwise specifically provided by statute or by the Articles of Incorporation. If a quorum shall not be present at any meeting of the Board of Directors, the Directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.

SECTION 10. Unless otherwise restricted by the Articles of Incorporation or these By-Laws, any action required or permitted to be taken at any meeting of the Board of Directors or of any Committee thereof may be taken without a meeting, if all members of the Board or Committee, as

the case may be, consent thereto in writing, and the writing or writings are filed with the minutes of proceedings of the Board or Committee.

SECTION 11. Members of the Board of Directors may participate in a board meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this section shall constitute presence in person at such meeting.

ARTICLE VIII

NOTICES

SECTION 1. Whenever, under the provisions of the statutes or of the Articles of Incorporation or of these By-Laws, notice is required to be given to any Director, it shall not be construed to mean personal notice unless specifically allowed, but such notice may be given in writing, by mail, addressed to such Director at his or her address as it appears on the records of the Corporation, with postage thereon prepaid, and such notice shall be deemed to be given at the time when the same shall be deposited in the United States mail. Notice to Directors may also be given by telegram.

ARTICLE IX

OFFICERS

SECTION 1. The Board of Directors, at the annual meeting of the Directors in each year, shall elect from their number a President of the Corporation and shall also elect a Vice President, Secretary and a Treasurer, who need not be members of the Board. The Board at that time or from time to time may elect a Chairman of the Board and one or more Assistant Vice Presidents, Assistant Secretaries and Assistant Treasurers who may or may not be members of the Board. The same person may hold any two (2) or more offices excepting those of President and Vice President, but no officer shall execute, acknowledge or verify any instrument in more than one capacity. The Board may also appoint such other officers and agents as it may deem necessary for the transaction of the business of the Corporation.

SECTION 2. The term of office of all officers shall be one (1) year or until their respective successors are chosen, but any officer may be removed from office, with or without cause, at any meeting of the Board of Directors by the affirmative vote of a majority of the Directors then in office. The Board of Directors shall have power to fill any vacancies in any offices occurring from whatever reason.

SECTION 3. Officers of the Corporation may receive a reasonable salary or other compensation.

SECTION 4. The President shall be the chief officer of the Corporation and shall have responsibility for the general and active management of the business of the Corporation, and shall see that all orders and resolutions of the Board are carried into effect. He or she shall execute all authorized conveyances, contracts, or other obligations in the name of the Corporation except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation. He or she shall preside at all meetings of the Board and shall be ex officio a member of all standing committees of the Board.

SECTION 5. The Vice Presidents (if any) in the order designated by the Board of Directors or, lacking such a designation, by the President, shall in the absence or disability of the President perform the duties and exercise the powers of the President and shall perform such other duties as the Board of Directors shall prescribe.

SECTION 6. The Secretary shall attend all meetings of the board and record all votes and the minutes of all proceedings in a book to be kept for that purpose and shall perform like duties for the standing committees when required. He or she shall give, or cause to be given, notice of all special meetings of the Board of Directors and shall perform such other duties as may be prescribed by the Board of Directors or by the President, under whose supervision he or she shall act. He or she shall execute with the President all authorized conveyances, contracts or other obligations in the name of the Corporation except as otherwise directed by the Board of Directors.

SECTION 7. The Treasurer shall have custody of and keep account of all money, funds and property of the Corporation, unless otherwise determined by the Board of Directors, and he or she shall render such accounts and present such statements to the Directors and President as may be required of him. He or she shall deposit funds of the Corporation that may come into his or her hands in such bank or banks as the Board of Directors may designate. He or she shall keep his bank accounts in the name of the Corporation and shall exhibit his or her books and accounts at all reasonable times to any Director of the Corporation upon application at the office of the Corporation during business hours. If required by the Board of Directors, he or she shall give the Corporation a bond in such sum and with such surety or sureties as shall be satisfactory to the board for the faithful performance of the duties of his or her office and for the restoration to the Corporation in case of his or her death, resignation or removal from office of all books, papers, vouchers, money and other property of whatever kind in his or her possession or under his or her control belonging to the Corporation.

ARTICLE X

INDEMNIFICATION

SECTION 1. Provided such action will not violate any applicable provision of the Code, or cause the Corporation to lose its tax exempt status under the Code, the Corporation shall have the power to indemnify any person who was or is a party or is threatened to be made a party to any

threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation), by reason of the fact that he or she is or was a trustee, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Corporation or its members, and with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Corporation or its members, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

SECTION 2. Provided such action will not violate any applicable provision of the Code or cause the Corporation to lose its tax exempt status under the Code, the Corporation shall have the power to indemnify any person who was or is a party to or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that he or she is or was a trustee, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Corporation or its members and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

SECTION 3. Indemnification against expenses:

(a) to the extent that a trustee, officer, employee or agent of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to above in Sections 1 and 2, or in defense of any claim, issue or matter therein, he or she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(b) any indemnification under Sections 1 and 2 above (unless ordered by a court) shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the trustee, officer, employee or agent is

proper in the circumstances because he or she has met the applicable standard of conduct set forth in Sections 1 and 2. Such determination shall be made in either of the following ways:

(i) by the Board by a majority vote of a quorum consisting of trustees who were not parties to such action, suit or proceeding; or

(ii) if such quorum is not obtainable or, even if obtainable, a quorum of disinterested Directors so directs by independent legal counsel in a written opinion.

(c) If a person is entitled to indemnification under Section 1 or 2 above for a portion of expenses including attorneys' fees, judgments, penalties, fines and amounts paid in settlement, but not for the total amount thereof, the Corporation may indemnify the person for the portion of the expenses, judgments, penalties, fines or amounts paid in settlement for which the person is entitled to be indemnified.

SECTION 4. Expenses incurred in defending a civil or criminal action, suit or proceeding described in Sections 2 or 3 above may be paid by the Corporation in advance of the final disposition of such action, suit or proceeding as authorized in the manner provided in Subsection (b) of Section 3 above upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount unless it shall ultimately be determined that he or she is entitled to be indemnified by the Corporation, provided such action will not violate any applicable provision of the Code or cause the Corporation to lose its tax exempt status under the Code.

SECTION 5. Nonexclusivity:

(a) The indemnification or advancement of expenses provided under Sections 1 to 4 above is not exclusive of other rights to which a person seeking indemnification or advancement of expenses may be entitled under the Articles of Incorporation, By-laws or a contractual agreement. However, the total amount of expenses advanced or indemnified from all sources combined shall not exceed the amount of actual expenses incurred by the person seeking indemnification or advancement of expenses.

(b) The indemnification provided in Sections 1 to 4 above and this Section 5 continues as to a person who ceases to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of the person.

SECTION 6. The Corporation shall have the power to purchase and maintain insurance on behalf of any person who is or was a trustee, officer, employee or agent of the Corporation or is or was serving at the request of the Corporation as a trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against

him and incurred by him in any such capacity or arising out of his or her status as such, whether or not the Corporation would have the power to indemnify him against such liability under Sections 1 to 5 above.

ARTICLE XI

GENERAL PROVISIONS

SECTION 1. When called for by a vote of the Directors, the Board of Directors shall present at each annual meeting a full and clear statement of the business and condition of the Corporation.

SECTION 2. All checks or demands for money and notes of the Corporation shall be signed by such officer or officers or such other person or persons as the Board of Directors may from time to time designate.

SECTION 3. The Corporation may, whenever its general interest requires the same, borrow money and issue its promissory note or bond for the repayment thereof with interest, and may in like case mortgage its property as security for its debts or lawful engagements.

SECTION 4. All references in these By-Laws to the provisions of the Code shall mean and include the Internal Revenue Code of 1986, as amended and the corresponding provisions of any future United States Internal Revenue law.

ARTICLE XII

AMENDMENTS

SECTION 1. Except for ARTICLE III, Section 1 (which may not be amended under any circumstances), these By-Laws may be altered, amended or repealed or new By-Laws may be adopted by a majority of the Board of Directors, at any regular meeting of the Board of Directors or at any special meeting of the Board of Directors if notice of such alteration, amendment, repeal or adoption of new By-Laws be contained in the notice of such special meeting; provided, however, that notice of the meeting is given to each Director then in office not less than ten (10) days before the meeting.

SECTION 2. These By-Laws shall not be altered or amended in such manner as to permit or allow any activity inconsistent with the Corporation's non-profit status under Sections 101 through 1099 of the Michigan Non-Profit Corporation Act, Pub. Act No. 162, Public Acts of 1982, as amended, or permitted to be taken by an organization or corporation exempt from Federal income taxation pursuant to Section 501(c)(3) of the Code or an organization or corporation to which contributions are deductible pursuant to Section 170 of the Code.

ARTICLE XIII

OFFICERS AND DIRECTORS

SECTION 1. The first Officers and Directors are as follows:

Officers

President:	Nathan Forbes
Vice President:	Timothy S. Blair
Secretary:	G. Thomas York, Jr.
Treasurer:	G. Thomas York, Jr.
Assistant Vice Presidents:	Linda McIntosh
	James Westcott

Directors

Nathan Forbes

Sidney Forbes

February 23, 2004

TO John Szerlag, City Manager

FROM: Gary Shripka, Assistant City Manager
Doug Smith, Real Estate and Development Director
Dennis C. Stephens, Right of Way Representative

SUBJECT: Request for Unconditioned Offers - Permanent Water Main Easements
Donaldson Water Main Re-placement
Project #01.504.5
Owners: Wiktorski - Sutherland - Nagamalli

In order to proceed with the proposed Water Main replacement on Donaldson, South of Square Lake, on schedule, it is necessary for Council to take action to approve unconditioned offers to purchase and court action, if necessary, in order to obtain the attached needed permanent Water Main Easements.

The appraised values for each parcel were prepared by Fred B. Phlippeau, a state Certified General Appraiser. Below is a list of the owners, with the appraised values.

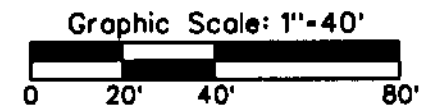
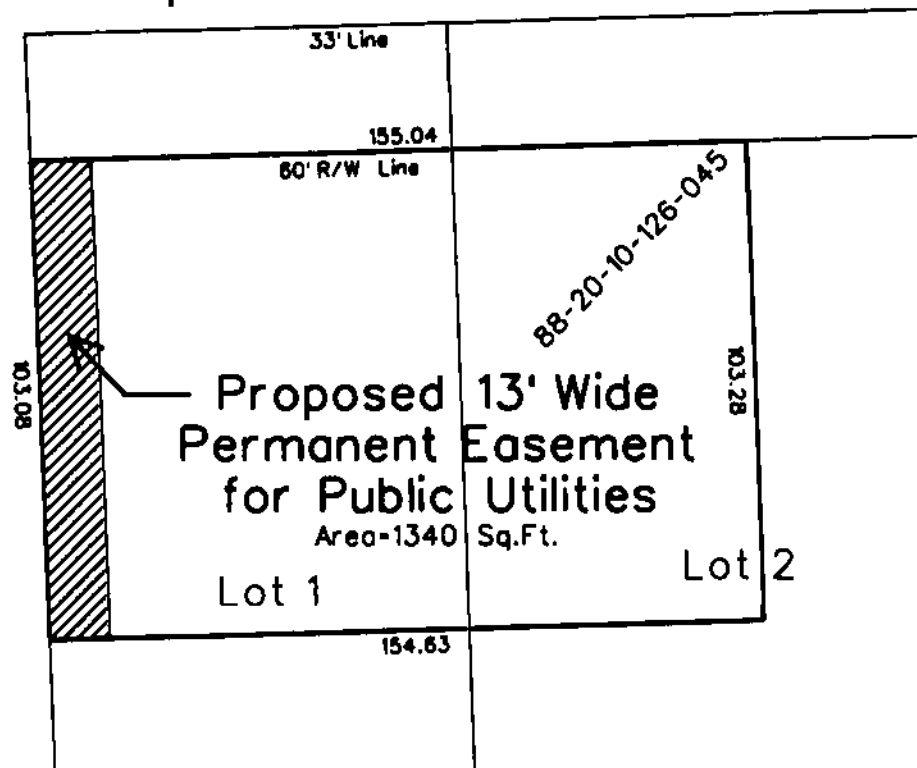
<u>OWNER</u>	<u>PIN #</u>	<u>INTEREST NEEDED</u>	<u>APPRAISED VALUE</u>
Nagamalli	20-10-126-045	13' Water Main Easement	\$1,600.00
Sutherland	20-10-126-047	10' Water Main Easement	\$3,200.00
Wiktorski	20-10-126-046	10' Water Main Easement	\$2,900.00

The dollars for all right of way acquisitions and associated costs are part of the approved right of way costs for this project.

It is therefore requested that City Council approve the unconditioned offers, as outlined in the attachment, in the amounts of the appraisals plus closing costs.

Square Lake Rd.

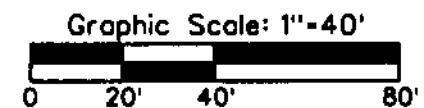
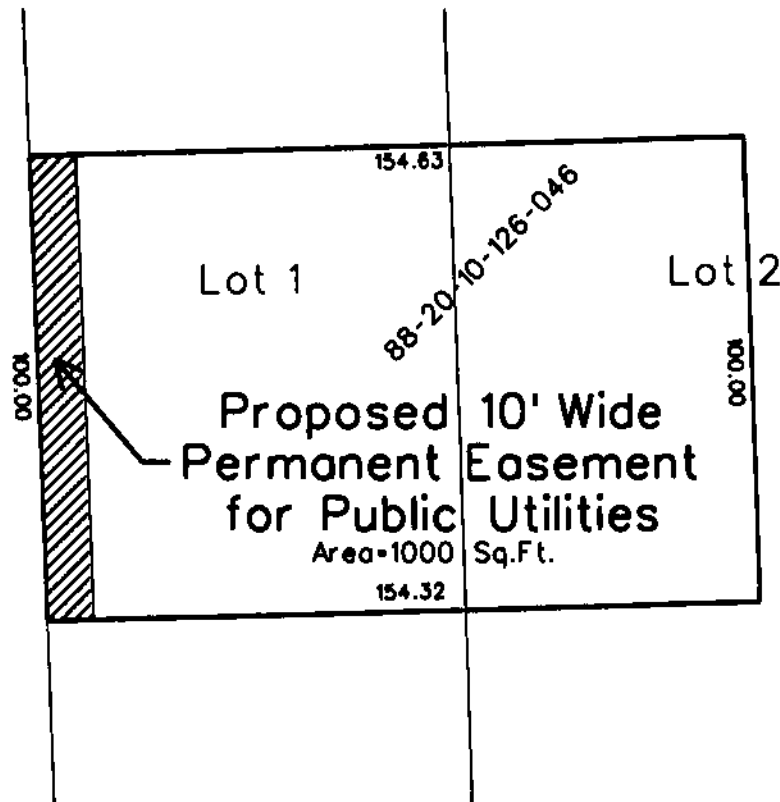
5986 Donaldson



G:\Surveying\GEORGE\Easement Drawings\88-20-10-126-045.dgn

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Proposed Easement Sketch			
SCALE	DRAWN BY	CHECKED	FILE
DATE	DATE 7-1-03	DATE	See Below
REVISION	DATE	DATE	VIEW
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR		CONTRACT No.	SHEET No. 1 of 1
STEVEN J. VANDETTE CITY ENGINEER		JOB No.	

5964 Donaldson



G:\Surveying\GEORGE\Easement Drawings\88-20-10-126-046.dgn

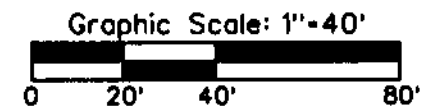
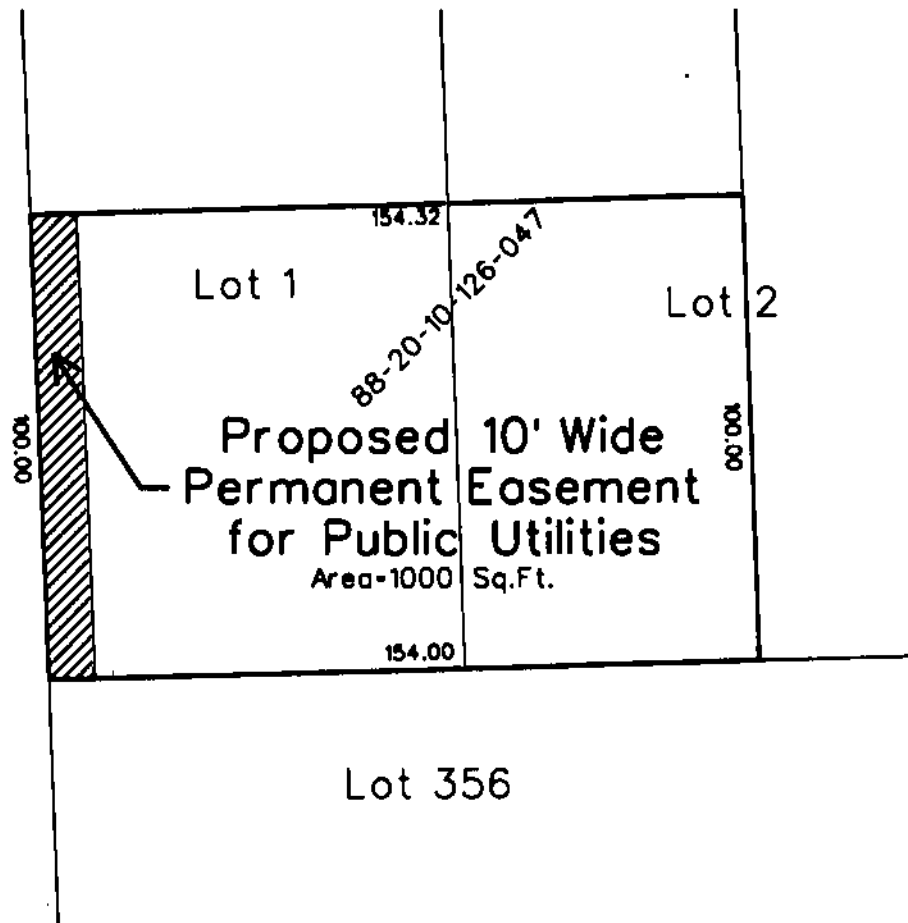
DOCUMENT PREPARED BY
George J. Ballard III
CITY SURVEYOR

DATE REV.

CONTRACT No.

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Proposed Easement Sketch			
SCALE	DRAWN BY	CHECKED	FILE
HOR.	NAME GJB III	NAME	See Below
VER.	DATE 7-1-03	DATE	VER
STEVEN J. VANDETTE CITY ENGINEER		SHEET No. 1 of 1	JOB No.

5946 Donaldson



G:\Surveying\GEORGE\Easement Drawings\88-20-10-126-047.dgn

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Proposed Easement Sketch			
SCALE	DRAWN BY	CHECKED	FILE
DATE	NAME CJB III	NAME	See Below
DATE	DATE 7-1-03	DATE	DATE
DOCUMENT PREPARED BY George J. Ballard III CITY SURVEYOR	CONTRACT No.	STEVEN J. VANDETTE CITY ENGINEER	SHEET No. 1 of 1

February 20, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

Re: **Agenda Item** – Standard Purchasing Resolution 3: Exercise
Renewal Option – Printing/Distribution of Water & Sewer Bills

RECOMMENDATION

On March 3, 2003, City Council approved a one-year contract to provide laser printing and distribution of the City's Water and Sewer Bills with an option to renew for three additional one-year periods to the low bidder, CDCI / SourceLink, based on a best value process (Council Resolution #2003-03-126-E15). It is recommended that the City exercise the option to renew for one (1) additional year with CDCI / SourceLink, for an estimated total cost of \$13,000.00, plus the actual cost of first class postage, under the same prices, terms and conditions to expire April 30, 2005.

DESCRIPTION	UNIT PRICE
CUSTOMER BILLING SUMMARY:	
Laser Print, Water/Sewer Bill	\$.039
Fold, Insert, Sort & Mail	\$.032
Printing - #9 Reply Envelope	\$.015
Printing - #10 Envelope	\$.018
COST PER BILL:	\$.104

MARKET SURVEY

A market survey conducted by the Purchasing Department indicates paper mill prices are expected to increase 5-10% in the near future and concurs with the recommendation to exercise the option to renew for one additional year.

One hundred-one (101) proposals were originally sent to prospective bidders. Six (6) bids met specifications. Ten (10) companies responded with a statement of no bid for the following reasons:

- (6) Companies found the work did not suit their typical commercial printing operation process.
- (2) Companies could not meet turnaround time.
- (2) Companies do not provide the type of service specified.

BUDGET

Funds will be available to complete this project in the Water department operating budgets.

February 18, 2004

TO: Susan Leirstein
Purchasing Systems Administrator

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – PRINTING & DISTRIBUTION OF WATER & SEWER
BILLS

LASON SYSTEM, INC. – Mike Rushwin (734) 632-1586

Mike has indicated that prices for the printing of Water & Sewer bills would be a little lower in cost now for their Company. Base on the fact that their company has grown in size and they can now buy bigger quantities of materials for projects.

Note: Lason was the fifth low bidder, 29% higher than the lowest bid.

MIAMI SYSTEMS CORPORATION – Keith Carman (248) 545-3243

According to Keith Carman, paper is expected to increase about 5% in the next couple of months. He does think there will be an increase in pricing, because of the raw material price increase.

CENTRON DATA SERVICES – Michael Andrus (800) 732-8787

Mr. Andrus commented that he does not see a change in prices next year for either materials or labor. The only change might be if the Postage goes up in price next year.

LASERTECH INC. – Donna for Joan Kulka (800) 388-5832

Donna told me that her company's material prices would increase, because of the paper mills raising paper prices. That cost would have to be included in her prices for the printing of the bills.

DIVERSIFIED DATA & COMMUNICATIONS – Patrick Bierkle (248) 399-0715

Patrick does think at this time the pricing will change for materials but not for labor. He was told this morning by a paper mill that paper will be increased by 5 to 10% by the end of February. He would have to reflect those increases in his prices.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for the Printing & Distribution of Water/Sewer Bills with the current vendor based on the costs of materials are expected to increase.

CC: Jeanette Bennett
File

JMP

SourceLink

FAX

3303 West Tech Rd.
Miamisburg, OH 45342
Phone: (937) 885-8000 X139
FAX: (937) 885-8010
jpeters@commdata.com

To: Ann Tyrrell From: Jeannine M. Peters
Fax: (248) 524-3520 Date: 02/10/04
Phone: (248) 524-3373 Pages:
Re: Contract Extension CC:
☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply

Ann,

SourceLink would be happy to extend the contract for the Water-Bill Printing and Mailing. However if this is to be renewed for only a few months we would not be able to hold the same pricing. This is because our original bid pricing was based upon ordering a years supply of forms, envelope, etc at one time. This allows us to purchase for you at a more economical level. I have had an inventory of your supplies done and we do not have enough supplies for the time period you indicated.

I offer two suggestions:

- 1.) We could order just the amount of supplies needed to process your billings through June 2004. I would have to revise our pricing.
- 2.) If the contract was to be renewed of an additional year we could maintain the current pricing structure.

Please give me a call or send me an email so we can work out an arrangement that will fit your needs.

Sincerely,

Jeannine M. Peters

E-12 Standard Purchasing Resolution 1: Award to Low Bidder – Printing the Senior Newsletter

Resolution #2003-03-126-E-12

RESOLVED, That a contract to provide printing of the Senior Citizen newsletter for one (1) year with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Arbor Press, at unit prices contained in the bid tabulation opened February 12, 2003 at an estimated annual cost of \$9,513.00, plus additional charges as listed when needed, which will not exceed 20% of the total contract cost or \$1,902.60, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Re-Certification of Final Plat Approval – Clarklift Subdivision – West Side of Austin, North of Maple Road – Section 26

Resolution #2003-03-126-E-13

RESOLVED, That re-certification of the Final Plat Approval for Clarklift Subdivision, in the area west of Austin, north of Maple Road in Section 26, is hereby **GRANTED**.

E-14 Standard Purchasing Resolution 1: Award to Low Bidder – Wattles and Dequindre Sanitary Sewers – Contract No. 03-1

Resolution #2003-03-126-E-14

RESOLVED, That Contract No. 03-1, Wattles and Dequindre Sanitary Sewers, be **AWARDED** to A.D.J. Excavating, Inc., 47301 Feathered Court – Shelby Township, MI 48315 at an estimated total cost of \$169,090.30; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-15 Standard Purchasing Resolution 8: Best Value Process Award – Printing/Distribution of Water & Sewer Bills

Resolution #2003-03-126-E-15

RESOLVED, That a one year contract to provide laser printing and distribution of the City's Water and Sewer Bills, with an option to renew for three additional one-year periods is hereby **AWARDED** to the low bidder submitting the best value proposal, CDCI/Source Link, which the Troy City Council determines to be in the public interest at unit prices contained in the bid tabulation opened January 31, 2003 for an estimated cost of \$11,440.00 per year, plus the actual cost of first class postage; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

February 19, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 8: Best Value Process Award –
Printing/Distribution of Water & Sewer Bills

RECOMMENDATION

On January 31, 2003, ten (10) proposals were opened to provide production, printing, and distribution of the City of Troy Water & Sewer Bills for one (1) year, with three (3) one (1) year options to renew. City management recommends that a contract be awarded to CDCI/Source Link, the low bidder providing the best value at an estimated cost of \$11,440.00 per year, plus the actual cost of first class postage, at unit prices contained in the attached bid tabulation opened January 31, 2003.

SELECTION PROCESS

Although CDCI/Source Link is the lowest total bidder, price is just one component in the “Best Value” approach to the Request for Proposal process. The award recommendation was based upon the vendor offering the best combination of a variety of factors, which included evaluation criteria and price.

Initially, if a bidder successfully passed all of the mandatory requirements:

- Ability to meet processing times,
- Provided a cost breakdown sheet of paper supply inventory,
- In-house processing,
- Limited use of subcontractors (i.e. printing of envelopes),
- Experience in similar work,
- Ability to handle our current and future needs with the conversion to a new utility billing software system,

then, the evaluation committee consisting of three staff members evaluated the remaining bidders, asking scripted questions to reference contacts.

After completing the evaluation process, CDCI/Source Link received the highest recommendations from the committee. In an effort to achieve the most positive image for the City in producing accurate, professional looking water and sewer bills, and supply the best service, proper quality at the right price; a best value approach was utilized to reduce the risk of poor service leading to a successful contract.

February 19, 2003

To: Honorable Mayor and City Council

Re: Award Recommendation - Printing/Distribution of Water & Sewer Bills

SUMMARY

CDCI/Source Link attributes include their ability to generate bills monthly, meeting our processing time requirements, and delivering them to the post office in a timely manner. The file will be sent electronically either via email or an ftp site provided by the vendor. All of the work will be done in-house without the use of subcontractors, except for envelopes and forms as necessary. They have been providing numerous mailing and printing projects for Government Agencies as well as the private sector, and have been in business for over 36 years. CDCI/Source Link will also attach the bar codes, or OCR lines that are necessary as well as being CASS Certified (Coding Accuracy Support System certification by the US Postal Service in cooperation with the mailing industry), and will include any inserts that will be mailed with the monthly bills. They have agreed to meet our deadlines, and work with us regarding all issues that may arise.

BUDGET

Funds are available from the Water department operating budgets.

101 Proposals Sent
10 Proposal Responses Rec'd
4 Proposals did not meet Specifications
10 No Bids Received

Prepared by: Ann Tyrrell, Office Coordinator

Opening Date -- 1-31-03
Date Prepared -- 2/17/03

CITY OF TROY
TABULATION
PRINTING & DISTRIBUTION OF
WATER & SEWER BILLS

RFP 02-65
Pg 1 of 2

FIRM NAME:		** CDCI	DIVERSIFIED	LASERTECH	
CHECK NUMBER		SOURCE LINK	DATA & COMMUNICATIONS	INC	
AMOUNT		519370336	0157816	987507217	
		\$2,100.00	\$2,100.00	\$2,100.00	
PROPOSAL REQUIREMENTS: (CHECKLIST)					
VENDOR QUESTIONNAIRE (Yes or No)		YES	YES	YES	
COST BREAKDOWN - SUPPLY INVENTORY (Y/N)		YES	YES	YES	
ONCE A MONTH CUSTOMER BILLING:					
Est. Ann.					
VOLUME	SERVICE DESCRIPTION				
1 One Time, Account Set Up (Current Needs)		200	500	NO CHARGE	
1 One Time, Account Set Up (Future Needs)		200	0	500	
107,200 Laser Print Water/Sewer Bills		0.039 4180.8	0.04 4288	0.042	4502.4
107,200 Fold, Insert, Sort & Mail		0.032 3430.4	0.04 4288	0.046	4931.2
100,000 Printing on #9 Envelopes		0.015 1500	0.02 2000	0.0191	1910
107,200 Printing on #10 Envelopes		0.018 1929.6	0.02 2144	0.015	1608
Sub-Total:		** 11440.8	12720	13451.6	
107,200 Postage		0.29 31088	0.301 32267.2	0.284	30444.8
ESTIMATED TOTAL COST:		42528.8	44987.2	43896.4	
PROCESSING TIME: Can meet		YES	YES	YES	
Cannot meet					
SERVICE FACILITY: Location		OHIO	FERNDAL	STERLING HEIGHTS	
24 Hr Phone #		(937) 885-8000	(248) 399-0715	(800) 388-5832	
Hrs of Operation		24 HRS	24 HRS	24 HRS	
PAYMENT TERMS:		1% / 10 DAYS	DUE UPON RECEIPT	30 DAYS	
EXCEPTIONS:		NONE	BLANK	BLANK	

NO BIDS:

360 Services
Arbor Press Inc
Select Graphics Corp

Gemini Systems
Dearborn Lithograph
University Lithoprinters

International Minute Press
RB Printing Service
Paper Express
Yates Office Supply

ATTEST:

Nancy Kuha
Cheryl Morrell
Linda Bockstanz

**** DENOTES BEST VALUE PROPOSAL**

Jeanette Bennett
Purchasing Director

Opening Date -- 1-31-03
Date Prepared -- 2/17/03

CITY OF TROY
TABULATION
PRINTING & DISTRIBUTION OF
WATER & SEWER BILLS

RFP 02-65
Pg 2 of 2

FIRM NAME:		CENTRON DATA	LASON	MIAMI SYSTEMS	
		SERVICES	SYSTEM INC	CORPORATION	
CHECK NUMBER		197735180	650192463	2344799	
AMOUNT		\$2,100.00	\$2,100.00	\$2,100.00	
PROPOSAL REQUIREMENTS: (CHECKLIST)					
VENDOR QUESTIONNAIRE (Yes or No)		YES	YES	YES	
COST BREAKDOWN - SUPPLY INVENTORY (Y/N)		YES	YES	YES	
ONCE A MONTH CUSTOMER BILLING:					
Est. Ann.					
VOLUME	SERVICE DESCRIPTION				
1	One Time, Account Set Up (Current Needs)	300	400	3030	
1	One Time, Account Set Up (Future Needs)	300	400	790	
107,200	Laser Print Water/Sewer Bills	0.047	5038.4	0.0446	4781.12
107,200	Fold, Insert, Sort & Mail	0.073	7825.6	0.0321	3435.76
100,000	Printing on #9 Envelopes	0.002	200	0.023	2300
107,200	Printing on #10 Envelopes	0.003	321.6	0.032	3430.4
Sub-Total:			13985.6	14747.28	25723
107,200	Postage	0.292	31302.4	0.309	33124.8
ESTIMATED TOTAL COST:			45288	47872.08	79323
PROCESSING TIME:		Can meet	YES	YES	YES
		Cannot meet			
SERVICE FACILITY:		Location	NORTON SHORES	LIVONIA	SHELBY, OHIO
		24 Hr Phone #	(800) 732-8787	(734) 632-1600	(800) 888-3515
		Hrs of Operation	24 HRS	7AM-11PM	24 HRS
PAYMENT TERMS:		NET 30	NET 30 DAYS	NET 30	
EXCEPTIONS:		NONE	BLANK	NONE	

DMS: (Bidders not meeting specifications):

Custom Printing (\$16,133.00)

Reason: Vendor Questionnaire incomplete; no utility bill samples or acceptable equivalent; experience vague.

Data Prose Billing Solutions (\$14,256.00)

Reason: No cost breakdown sheet provided for supply inventory

Robot Printing & Comm Inc (\$25,117.60)

Reason: Area to be subcontracted not acceptable; sample document failed to demonstrate experience in similar work

System Duplicating Co, Inc (\$19,412.80)

Reason: Areas to be subcontracted not acceptable

EXECUTIVE SUMMARY

UTILITY BILL PRINTING & DISTRIBUTION

STATISTICS:

- ◆ 97 Proposals were sent to prospective bidders
- ◆ Additional four (4) firms requested the proposal packet
- ◆ Request for Proposal was posted on the City's website ci.troy.mi.us
- ◆ Ten (10) firms responded to the proposal
- ◆ Six (6) firms met the pass / fail criteria

Selection Process:

1. Firms were evaluated on the Pass / Fail Criteria
2. Lowest Priced Bidder was selected

APPENDIX 1

UTILITY BILL PRINTING & DISTRIBUTION BIDDERS FAILING MINIMUM REQUIREMENTS

RFP 02-65

List of Bidders Not Meeting Evaluation Criteria

COMPANY NAME:	REASON FOR DISQUALIFICATION
Systems Duplicating Co, Inc	No subcontracting allowed on essential parts of the contract. (i.e. inserting and mailing)
Robot Printing & Communications, Inc	No subcontracting allowed on essential parts of the contract. (i.e. inserting) Did not demonstrate similar work experience through Company submittals in the performance of customer billing.
DataProse Billing Solutions	No Cost Breakdown Sheet provided as required in the proposal document.
Custom Printing, Inc	Did not demonstrate similar work experience through Company submittals in the performance of customer billing. Did not adequately explain back-up plans in the event of a major printing problem.

The Request for Proposal will provide Printing and Distribution of the City's Water and Sewer Bills. As part of the evaluation process, it was required that firms complete all the information detailed in the RFP.

In Completion of the Vendor Questionnaire, pages 13-15, it states:

- 4) "Attach at least one sample document of a project completed similar in scope to the City of Troy."
- 8) "What back-up plans are in place to ensure that if your printing location were to have a major printing problem that bills for the City would still be printed following the processing time indicated in this proposal?"
- 11) "Describe the company's experience in the type of service requested for other customers or communities."
- 14) "Would you subcontract any of the services being requested?"

In the Request for Proposal, on page 8 of 15, under **COST BREAKDOWN**, it states:

"The City of Troy requires a cost basis for those items included in the total cost above, which may fluctuate during the term of the contract. (i.e. paper) Please include with your proposal a complete list of unit prices for paper supply inventory at the time of proposal submission. (see Attachment I)"

The Committee determined these sections were an integral and essential part of the contract.

Request for Proposal, Page 2 of 15:

- 8) "...The following pages include a vendor questionnaire and proposal sections to be complete by each bidder. Each item must be completed with a response. Bidders not responding to any of the specifications or questions may be classified as unresponsive."
- 13) "...All information requested herein shall be submitted with the Request for Proposal (RFP); failure to do so may result in the rejection of the RFP as non-responsive and/or incomplete."

360 SERVICES
12623 NEWBURGH ROAD
LIVONIA MI 48150

A&R TECH INC
19500 MIDDLEBELT RD STE 112W
LIVONIA MI 48152

ACCELERATED PRESS INC
1337 PIEDMONT DRIVE
TROY MI 48083

ADVANCE PRINTERY
42404 MOUND ROAD
STERLING HEIGHTS MI 48314-3149

ADVANCE REPRODUCTION COMPANY
5808 ST JEAN
DETROIT MI 48213

ALLEGRA PRINT & IMAGING
1800 W MAPLE RD
SUITE 400
TROY MI 48084-7104

ALLISON PAYMENT SYSTEMS
1810 S LYNHURST DR STE Z
INDIANAPOLIS IN 46241

ALPHA SERVICES
22967 WOODWARD
FERNDAL MI 48220

AMERICAN PRINTING SERVICES INC
4838 CLIFFSIDE DRIVE
WEST BLOOMFIELD MI 48323

AMERICAN SPEEDY PRINTING
34266 WOODWARD AVENUE
BIRMINGHAM MI 48009

AMERICAN SPEEDY PRINTING CENTER
7510 HIGHLAND RD
WATERFORD MI 48327

AMERICAN SPEEDY PRINTING CENTER
5635 EAST 13 MILE ROAD
WARREN MI 48092

ANGELOSANTE PRINT & GRAPHICS
4095 EMERALD PINES DRIVE
WALLED LAKE MI 48390

ARBOR PRESS INC
4303 NORMANDY CT
ROYAL OAK MI 48073

CALDWELL PRINTING
33490 GROESBECK
FRASER MI 48026

CDCI/SOURCE LINK
3303 WEST TECH ROAD
MIAMISBURG OH 45342

COLOR SOURCE GRAPHICSS
2820 INDUSTRIAL ROW
TROY MI 48084

COMMERCIAL GRAPHICS INC
42712 MOUND ROAD
STERLING HEIGHTS MI 48314

COMPTON PRINTING COMPANY
23689 RESEARCH DRIVE
FARMINGTON HILLS MI 48335

COMPUTER COMPOSITION CORPORATION
1401 W GIRARD
MADISON HEIGHTS MI 48071

CPI GRAPHICS INC
23149 LIBERTY STREET
ST CLAIR SHORES MI 48080-1551

CREATIVE HOUSE MARKETING
222 MAIN STREET
SUITE 111
ROCHESTER MI 48307

CSW DESIGNS INC
1719 SYCAMORE
ROYAL OAK MI 48073

CUSTOM PRINTING
32701 JOHN R
MADISON HEIGHTS MI 48071

DE ANGELIS PRINTING
209 PARK ST
TROY MI 48083

DEARBORN LITHOGRAPH INC
12380 GLOBE
LIVONIA MI 48150

DELTA PRINTING COMPANY INC
1200 E OAKLAND
LANSING MI 48906

DIVERSIFIED DATA & COMMUNICATIONS INC
10811 NORTHEND
FERNDAL MI 48220

DORRS REPRODUCTIONS
ROBERT DORR SR
900 CHICAGO
TROY MI 48083

ECON MARKETING SERVICES INC
1825 BIRCHWOOD DRIVE
TROY MI 48083

EFFECTIVE MAILERS INC
28510 HAYES ROAD
ROSEVILLE MI 48066-2314

EGT GROUP
32031 TOWNLEY
MADISON HEIGHTS MI 48071

ENTIRE REPRODUCTIONS
2950 TECHNOLOGY DRIVE
ROCHESTER HILLS MI 48309

FIDLAR DOUBLEDAY INC.
6255 TECHNOLOGY AVENUE
KALAMAZOO MI 49009

FIRST EDITION GRAPHICS
1847 N MAIN
ROYAL OAK MI 48073

FUDGE BUSINESS FORMS INC
1163 CENTRE ROAD
AUBURN HILLS MI 48326

GEMINI FORMS & SYSTEMS INC
1902 ROCHESTER INDUSTRIAL
ROCHESTER HILLS MI 48309

GOODWILL PRINTING COMPANY
2000 W 8 MILE RD
FERNDAL MI 48220

GRACON WESSERLING INC
20768 HARPER AVE
HARPER WOODS MI 48225

GRAND RIVER PRINTING
22153 TELEGRAPH
SOUTHFIELD MI 48034

GRAYWOLF PRINTING
757 SOUTH ETON
BIRMINGHAM MI 48009

HORIZON HEALTH SYSTEMS
1 FORD PL
DETROIT MI 48202-3450

IBS
ATTN: CHRIS CROWDER
P.O. BOX 11608
PENSACOLA FL 32524-1608

ICON CORPORATION
202 E HURON STE 100
ANN ARBOR MI 48104

IMP PRINTING - WALLED LAKE
3718 MARTIN ROAD
WALLED LAKE MI 48390

INHOUSE PRINTER
1061 BADDER
TROY MI 48083

INNOVATIVE COMPUTER SERVICES INC
P O BOX 24192
LANSING MI 48909-4192

INTERNATIONAL MINUTE PRESS
1800 WEST FOURTEEN MILE
SUITE D
ROYAL OAK MI 48073

IT UNLIMITED
29350 SOUTHFIELD
SOUTHFIELD MI 48076

J & M REPRODUCTION
1200 ROCHESTER ROAD
TROY MI 48083

JOHNSTON LITHOGRAPH INC
11334 HUNT ST
ROMULUS MI 48174-0424

K & H SPECIALTIES CO
4520 W WARREN
WARREN MI 48210

LAKESHORE PRINTING
46912 NORTH GRATIOT
CHESTERFIELD TWP MI 48051

LASERTEC
33472 STERLING PONDS BLVD
STERLING HEIGHTS MI 48312-5808

LASON SYSTEMS INC
1305 STEPHENSON HIGHWAY
TROY MI 48083

LITHO PHOTO INC
19795 MERIDIAN ROAD
GROSSE ILE MI 48138

MALOVER INK INC
330 E MAPLE RD SUITE 1
TROY MI 48083-2706

MARY FOUNTAS BESHARA
4760 WHITE OAKS
TROY MI 48098

MATRIX PRINTING
4785 25TH MILE
SHELBY TWP MI 48316-1600

MAYS PRINTING
15800 LIVERNOIS
DETROIT MI 48238

METRO PROMOTIONAL SPECIALTIES
1219 E LINCOLN
ROYAL OAK MI 48067

MIAMI SYSTEMS CORPORATION
29200 SOUTHFIELD ROAD
SUITE 100-A
SOUTHFIELD MI 48076

MORAN GRAPHICS
1888 THUNDERBIRD
TROY MI 48084

MSX INTERNATIONAL TECHNOLOGY SERVICES
1464 JOHN A PAPALAS DR
LINCOLN PARK MI 48146

NEALSON BUSINESS SYSTEMS INC
21415 CIVIC CENTER DR
SUITE 116
SOUTHFIELD MI 48076

NORTH STAR GRAPHICS GROUP LLC
47010 MAIN STREET
NORTHVILLE MI 48167

OAKLAND PRINTING SERVICES, INC
1754 MAPLELAWN
TROY MI 48084

PAPER EXPRESS INC
2300 MEIJER DRIVE
TROY MI 48084

PHOENIX PRESS
1775 BELLINGHAM DRIVE
TROY MI 48083-2056

PLS PRINTING AND LABEL SPECIALISTS
145 E PIKE STREET
PONTIAC MI 48342

POPCORN PRESS
2719 ELLIOTT STREET
TROY MI 48083

PREMIER DESIGN STUDIO
123 S MAIN STE 260
ROYAL OAK MI 48067

PRINT MAX dba BCI GROUP
1734 CROOKS ROAD
TROY MI 48084

PRINTING BY MARC
26595 FRANKLIN POINTE DRIVE
SOUTHFIELD MI 48034

PRINTPRO
2211 COLE STREET
BIRMINGHAM MI 48009-7073

PRINTWELL ACQUISITIONS INC
26975 NORTHLINE ROAD
TAYLOR MI 48180

RB PRINTING SERVICE
P O BOX 36
TROY MI 48099

REYNOLDS & REYNOLDS CO
24800 DENSO DRIVE STE 170
SOUTHFIELD MI 48034

ROBOT PRINTING INC
12085 DIXIE
REDFORD MI 48239

ROCKET IMAGING SERVICES
445 ELMWOOD DRIVE
TROY MI 48083-4802

SEIFERT CITY-WIDE PRINTING CO
24640 TELEGRAPH RD
SOUTHFIELD MI 48034

SELECT GRAPHICS CORPORATION
24024 GIBSON
WARREN MI 48089

SIR SPEEDY COMMERCIAL PRINTING DIVISION
1270-A RANKIN STREET
TROY MI 48083

SOUTHDALE INC
1401 BOGGS DRIVE
MT ARRY NC 27030

SPECTRUM 3 ADVERTISING AND DESIGN
15570 OPORTO STREET
LIVONIA MI 48154-6225

STEPHEN'S NU-AD INC
17630 E 10 MILE
EASTPOINTE MI 48021

THE PRINT FACTORY
329 PARK STREET
TROY MI 48083

TOTAL BUSINESS SYSTEMS, INC
30800 MONTPELIER
MADISON HEIGHTS MI 48071

TRANSWORLD PRINTING
1179 SYLVERTIS RD
WATERFORD MI 48328

UNIVERSITY LITHOPRINTERS
4150 VARSITY DR
ANN ARBOR MI 48108

WALLACE COMPUTER SERVICES
3250 W BIG BEAVER STE 302
TROY MI 48084

WEB LITHO INC
6580 COTTER
STERLING HEIGHTS MI 48314

WEST METRO PRINTING CO
33100 INDUSTRIAL
LIVONIA MI 48150

WHITLOCK BUSINESS SYSTEMS
275 E 12 MILE RD
MADISON HEIGHTS MI 48071-2557

WOLVERINE MAILING INC
1601 CLAY STREET
DETROIT MI 48211

WRIGHT COMMUNICATIONS
1233 CHICAGO
TROY MI 48083

YATES OFFICE SUPPLY CO
18225 W 8 MILE ROAD
DETROIT MI 48219

February 18, 2004

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager – Finance and Admin
Jeanette Bennett, Director of Purchasing
Cindy Stewart, Community Affairs Director

RE: Community Affairs Department Renovation

RECOMMENDATION

The City requests approval and authorization to expend an estimated \$64,328.39 to complete renovations of the City Manager's former office area for the Community Affairs Department and a City Hall Conference Room to provide needed workspace improvements and storage space. This project is part of the ongoing process to renovate office space previously approved.

DETAILS

Community Affairs currently occupies approximately 350 square feet of office space. Within this area Community Affairs has 4 workstations, 12 filing cabinets, and one eight-foot table/work area. The office was an existing conference room and is not ergonomically efficient. It also does not handle current data equipment space requirements. Renovation plans reflect the adjustments made to accommodate these needs.

Attached for your review is a proposed plan of the renovated areas and detailed cost estimates (Appendix A). Various departments will share costs for the Conference Room. Highlights of the plan include the following:

- Portion of existing offices that were the City Managers' will be reconfigured and walls moved to accommodate Community Affairs needs.
- Other portion of existing offices that were the City Managers' will be reconfigured and walls moved to make a Conference Room to accommodate various departments.
- Updated file cabinets will greatly increase storage capacity.
- Existing Community Affairs office will be converted to television studio and storage space.

SUMMARY

The recommendation to expend approximately \$65,528.39 will provide Community Affairs with the workspace and storage space needed. Funds for this expenditure are available through Building Operations – City Hall Capital Outlay Budget. Account #401265.7975.010.

**Renovation Square Footage 1376 usable Community Affairs / Conference Room
Renovation Cost**

	Price
Base Cove / Wall and Ceiling sound Insulation	\$1,200.00
Blinds	\$1,000.00
Carpet with Glue \$35.00 per sq. yard X 175 sq. yards	\$6,125.00
Ceiling Grid	\$750.00
Ceiling Tile	\$1,500.00
Counter Tops & all Laminates includes all substructures	\$1,400.00
Doors with all hardware / Bi Fold	\$2,600.00
Drywall includes complete wall construction	\$1,200.00
Electrical	\$2,000.00
Fire Suppression <u>PREP ONLY</u>	\$6,000.00
Fire Suppression concealed heads	N/A
HVAC	\$2,000.00
Lighting includes additional lights, exit signs and emergency lighting	\$3,000.00
Light cover upgrade	N/A
Paint (2) coats with primer / Wall Paper for corridor	\$2,200.00
Roll up door estimated cost only	N/A
Sound Insulation Walls & Ceiling (4 inch both)	N/A
VAV Controllers ventilation system	N/A
Windows for interior offices 48 X 42 Tempered Glass / Aluminum framed (1)	N/A
Misc. Items	\$500.00
TOTAL ESTIMATED MATERIAL COST	\$31,475.00
Labor cost estimated 425 hrs X \$22.43 per hr = \$	\$9,532.75
Labor overtime hrs cost estimated 32 hrs X \$33.65 per hr = \$	\$1,076.80
Total Cost	\$42,084.55
Communications (<i>Pricing provided from IT Department</i>) (all lines in place from previous offices)	N/A

Furniture (*Pricing provided from DBI Business Interiors*)

Workstations	\$8,600.24
Chairs	\$5,902.26
File Cabinets	\$4,731.19
Tables/Display Boards	\$2,282.22

Installation / Design	\$1,927.93
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Estimated Total Furniture	\$23,443.84
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Estimated Total Cost for the Entire Project	\$65,528.39
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February 18, 2004

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
 Gary A. Shripka, Assistant City Manager/Services
 Jeanette Bennett, Purchasing Director
 Carol K. Anderson, Director of Parks and Recreation
 Jacob D. Pilat, Director of Golf Operations

Subject: **Agenda Item:** Bid Waiver –
 Maintenance Contract for Sanctuary Lake Golf Course

RECOMMENDATION

The Parks and Recreation Department recommends the City enter into a contract with Douglas Treadwell Golf and Associates to complete the grow-in phase and continue the maintenance of Sanctuary Lake golf course through November 30, 2004. The estimated cost is \$480,400.00 provided the course opens June 1, 2004, and prorated if opening is later.

In addition, we are requesting authorization to add or delete work due to weather conditions, not to exceed 10% of the original project cost or \$48,040.00.

BACKGROUND

In the summer of 2000, the City of Troy entered into a contract with Troy Golf, LLC. to design and construct a golf course on the site otherwise known as Section One. In June of 2001, construction began and to date the grow-in process continues. Doug Treadwell is a partner in Troy Golf, LLC.

With a mid season opening date expected, a smooth transition from the grow-in phase to daily operations is imperative. The switch from one maintenance company to another or hiring City staff to complete the season is difficult when the opening date is tentative and can be disruptive to the entire golf operation. By allowing Treadwell Golf to continue the maintenance operations of Sanctuary Lake in mid-season, the City of Troy will be able to avoid a problematic transitional period during the 2004 season.

With Douglas Treadwell Golf and Associates extensive knowledge of the Section One site, golf course development and golf course maintenance, it is recommended that a contract for maintenance be entered into for the 2004 season. Upon completion of the 2004 season, an evaluation will be conducted and a determination made regarding future contracting of the maintenance.

BUDGET

Funds will be available to complete this project in Sec 1 Greens Maintenance Account #885.7802.050.

**CITY OF TROY
OAKLAND COUNTY, MICHIGAN**

RESOLUTION

REQUESTING MICHIGAN LEGISLATURE TO CORRECT ASSESSMENT INEQUITY

Resolution #2004-03-

Moved by:

Seconded by:

WHEREAS, The Michigan Supreme Court issued a decision in the *WPW Acquisitions v City of Troy* case concerning the assessment of property taxes on commercial properties; and

WHEREAS, The Supreme Court's decision has resulted in inequities as it relates to property assessments whose value is based on occupancy rates; and

WHEREAS, The WPW decision declared the "additions" language for increase in occupancy is unconstitutional but did not address the offsetting "loss" language, which has a large impact on many properties in the State; and

WHEREAS, Prior to this decision a commercial/industrial property owner could work with their local assessor for assessment relief if the property's occupancy rate dropped (loss), and subsequently, when the occupancy rate improved the assessment would return to a stabilized level when the occupancy recovered (addition); and

WHEREAS, This was a fair and reasonable way to help property owners who were struggling with a particular property, and the "addition" and "loss" sections of the statute worked in harmony, providing temporary relief for decrease in occupancy; and

WHEREAS, Since the "addition" section of the statute has been ruled unconstitutional, commercial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value and then lock in non-market property taxes at a reduced level; and

WHEREAS, The decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates; and

WHEREAS, The decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, theoretically, property taxes collected from commercial properties as a percentage of total tax revenues will decrease; and

WHEREAS, The potential loss in property tax revenue within the City of Troy as a result of the Supreme Court decision is significant. Such potential revenue loss will not only impact City of Troy, but also the County of Oakland, Troy School District, the State of Michigan Education Tax, Oakland Intermediate School District, and Oakland Community College.

NOW THEREFORE BE IT RESOLVED, That the City of Troy strongly urges its State Legislators to re-establish tax equity and correct the impact of the WPW Acquisitions v City of Troy decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(iii)).

BE IT FURTHER RESOLVED, That copies of this resolution be sent to State Senator Shirley Johnson and State Representative John Pappageorge who represent the City of Troy.

Yes:

No:

I, Tonni L. Bartholomew, duly appointed City Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the _____ day of _____, 2004.

Tonni L. Bartholomew, MMC
City Clerk

February 25, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
William Nelson, Fire Chief

SUBJECT: Agenda Item: Alternate Dispatch Center (ADC) Relocation Budget

Background

In 1999, the Emergency Operation Center (EOC) and the Alternate Dispatch Center (ADC) were relocated from the old Troy Fire/Police Training Center on Big Beaver Road to City Hall and the DPW facility. This relocation was intended to be temporary, pending the completion of a new Fire/Police Training Center.

During the planning of the new Police/Fire headquarters building it was determined that the EOC would be best housed in the police building, and space was allocated for it. With the police building now completed, the EOC has been moved into it and is now operational. However, the ADC is still located at the DPW.

We are now in the process of moving the ADC to the Fire/Police Training Center. There are several reasons for making this move:

- While capable of functioning at the DPW, the facility is not suited for long-term ADC operation. This is primarily due to the lack of space, the general inadequacies of the space, and it's isolation from other emergency operations.
- The space allocated for ADC operations at the DPW is not dedicated to that function, and requires equipment set up when the ADC is activated. The Training Center facility will be dedicated to the ADC, and will eliminate the need to set up and tear down equipment.
- The Training Center provides adequate space and amenities necessary for long-term operation (locker room, lavatories, kitchen, office space, parking, meeting rooms, internet capabilities, etc.)
- The Training Center is also the location of the Alternate EOC.
- Should the City Hall facility require evacuation, the Training Center facility is large enough to house not only public safety functions, but can also accommodate essential city hall functions.

Moving the ADC to the Training Center centralizes all secondary emergency operations and enhances our emergency response capabilities.

A logistical plan regarding the activation of the training center as an emergency city hall/public safety headquarters will be developed upon completion of the ADC move. This plan will become part of the overall Emergency Operations Plan.

Budget

The cost of the project, including a 10% contingency, is \$46,616.00.

Although not originally budgeted for in the FY 2003/04 budget, funding is possible through a communications equipment reimbursement we received from Oakland County CLEMIS. Although not obligated to do so, Oakland County advised it would be preferable to spend the money on law enforcement operations.

The cost breakdown is as follows:

• Installation of 9-1-1 trunks plus fail-safe switch	\$1,950.00
• Installation of new telephone lines	\$ 900.00
• Phone System Move	\$3,000.00
• Radios	\$2,100.00
• Radio Antennas/Wiring	\$12,400.00
• Cubicles/Chairs	\$4,928.00
• Laptop Computers	\$16,000.00
• Wireless EOC/Communications Access	\$1,100.00
• Contingency	<u>\$4,238.00</u>
TOTAL	\$46,616.00

The computers will be purchased through the IT Department pursuant to their specifications and purchasing requirements. We are considering purchasing the materials for the radio antennas and wiring ourselves and contracting the installation pursuant to our radio repair and installation contract. We do not anticipate that any of the purchases will meet the competitive bid threshold. However, should that occur, we will bring those items back to City Council for specific approval.

Recommendation

It is recommended that City Council authorize the expenditure of up to \$46,616.00, to relocate and equip the ADC.

To: Mayor and Members of City Council
cc: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney

Council Comments

From: Robin Beltramini, Council Member

Subject: Amendment to Rules of Procedure

Date: February 24, 2004

Pursuant to last night's discussion, Tonni Bartholomew and I worked to streamline the agenda and comments procedures. Most of the changes proposed satisfy the interests of keeping action items at the forefront of discussion, minimizing staff overtime, and giving the general public timely, structured opportunity to comment on agenda items.

The primary change is in the Public Comment portion of the agenda. All Consent Agenda items will be considered before Regular Business items. Audience members wishing to address items in either section may ask to have them separated as each section is addressed by Council. Consent agenda items removed for discussion will be discussed after the remaining consent items are approved. Regular Business items separated will be handled prior to Regular Business items not requested by the audience. "Public Comment for Items not on the Agenda" has been moved to after Reports and Communications. This allows us to review all items that were properly placed on the agenda for action or information before addressing inquiries not relating to business currently or proposed before Council.

There is one "housekeeping" change suggested by the Clerk. The addition of the "Closed Session" after Study Items' Public Comment actually brings our meeting into better compliance with the OMA through a recess procedure rather than an adjournment.

Finally, I concur with Martin's comments that a careful and thorough overall review would be appropriate after the local election in April. Obviously, there are other amendments we could make, but I believe, based on last night's discussion that these are the ones where we currently share the most concurrence.

REB



RULES OF PROCEDURE FOR THE CITY COUNCIL CITY OF TROY, MICHIGAN

Adopted: November 3, 2003

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1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Lambert, Beltramini, Eisenbacher, Broomfield, Howrylak, Stine.

2. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

3. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M on the first and third Monday each month, except for holidays or holiday-eves recognized by the City of Troy, regular or special election days, except school district elections, or unless canceled by resolution of the Council.

4. AGENDA

(a) Regular Agenda: A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

(b) Closed Session Agenda: Where a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

5. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Certificates of Appreciation
6. Carryover Items
7. Public Hearings

8. Postponed Items
- ~~9. Consent Agenda~~
 - ~~a. Approval of "F" Items NOT Removed for Discussion~~
 - ~~b. Address of "F" Items Removed for Discussion~~
- ~~10. Public Comment Council will move forward all of the items on which members of the audience would like to address:~~
 - ~~B. Items not on the Agenda~~
- ~~10. Consent Agenda~~
 - ~~Address Remaining E Items~~
- ~~11-10. Regular Business~~
 - ~~a. Address of "F" Items Advanced to be addressed by request of Audience Members~~
 - ~~b. Address Remaining "F" Items~~
- ~~12-11. Council Referrals - Action items brought forward by Mayor and Council~~
- ~~13-12. Council Comment~~
- ~~14-13. Reports and Communications~~
- ~~15-14. Public Comment - Limited to people who have not addressed Council during the 1st Public Comment Section Items not on the Agenda~~
- ~~16-15. Study Items~~
- ~~17-16. Public Comment Section~~
- ~~17. Closed Session~~
18. Adjournment

6. REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda under Regular Business, "F" Items, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion, Item Number 10, of the agenda ~~item's discussion~~). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question /item, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 14, as amended August 4, 2003. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

7. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

8. MINUTES

- a. Regular Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.
- b. Closed Session Minutes: Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even

though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

9. PROCLAMATIONS

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

10. RECONSIDERATION OF QUESTIONS

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

11. RESCISSION OF QUESTIONS

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members.

12. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings". Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council.

13. CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Consistent with Order of Business Number 9, the City Council will remove the specific Consent Business "E" items, which audience members would like to address under item 9. The Mayor shall announce the items, which are to be removed. Any item so removed from the Consent Agenda shall be considered after approval of the remaining other items on the consent portion of the agenda. have been heard. Items will be taken individually and members of the audience will address Council prior to Council discussion of the individual item.

14. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall submit such name, along with a brief summary of background and personal data as to nominee's qualifications, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees.

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

15. VISITORS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #~~544~~, the City Council will move forward the specific Regular Business "F" items, which audience members would like to address under item 10A. The Mayor shall announce the items which

are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Regular Business "F" Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

16. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

17. RULES OF ORDER

Robert's Rules of Order, Newly Revised 10th Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

18. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

19. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

B. Detailed and receipted expenses, not to exceed \$150, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

20. ABSENCES AT COUNCIL MEETINGS

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

21. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

22. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5)-minutes at a time.

23. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

24. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, November 13, 2003 at the Troy Community Center, room 503. Chairman, Larry Jose called the meeting to order at 7:30 p.m.

Present:	Larry Jose, member Merrill Dixon, member Kathleen Fejes, member Tom Krent, member Amy Kerns, member Carol Anderson, staff	Jeff Stewart, member Ida Edmunds, member Orestes Kaltsounis, member Meaghan Kovacs, member Jeff Biegler, staff
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Absent: Janice Zikakis, Doug Bordas

Visitors: Erika Poplar, staff.

Resolution # PR - 2003 - 11 - 10

Moved by Edmunds

Seconded by Stewart

RESOLVED, that the minutes from October 9, 2003 are approved as submitted.

Yeas: All

Nays: None

MOTION CARRIED

NEW BUSINESS

A. Erika Poplar, Grants Coordinator - Erika researches and writes the applications for grants and sponsorships for this department. She makes business contacts to encourage sponsorship support and increase funding from outside sources. The essay contest to promote "Parks and Recreation Month" was created and advertised by her. Erika is a valuable addition to the department and we welcome her to the staff.

B. Grant Update - This department has received donations for P & R Month Essay Contest, our financial aid program, the teen room, tree planting and the senior store Creative Endeavors. We have also received the Keep Michigan Beautiful award and the 2003 MRPA Facility Design Award. Currently pending is the Sports Illustrated and NRPA 50th Anniversary Sportstown award for Michigan, Arbor Day Mini Grant, Michigan Department of Natural Resources for Raintree Park Project and the Rotary Club of Troy for Creative Endeavors.

OLD BUSINESS

A. Cricket - At the October 27, 2003 meeting of the City Council it was decided to investigate putting a Cricket field and a dedicated football field in the park in Section 22. A concept plan and the cost analysis for development of the park will be drawn up and presented to City Council in January.

B. Recreation Fees - City Council has asked for information on which activities are funded solely by the general fund, user fees or both. Currently, the distributive method is used for setting fees and it is requested that we continue to use that method.

MEMBER COMMENTS

Tom Krent reported on the Civic Center Task Force. They are looking at the civic center site being a community campus with outdoor activities. Some of the amenities they are reviewing is an amphitheater, gardens, a fountain plaza and pathways.

Orestes Kaltsounis commented on the soccer fields in Troy, that there are too many but that residents are going to other cities to play because their teams do not meet residency requirements. He feels the Cricket players should have a field in Troy to play cricket even if they do not meet residency requirements.

Staff Reports

A. Directors Report - Troy is one of two cities being considered for the Sports Illustrated Sportstown Award.

B. Parks Report - The parks crew is busy planting trees. So far, 400 of 700 have been planted. Using a wide diversity of plants so as to reduce the damage of pests that are specific to one variety of plant.

There are approximately 2,000 trees targeted for removal due to the Emerald Ash Borer pest. The parks crew will be removing these trees this winter when they are not plowing snow.

Correspondence - A thank you letter from John Goetz was received in response to our letter thanking him for his 26 years of service.

An unsigned letter from Pan Asian groups was received alleging mistreatment from staff at the Community Center. It is City policy not to respond to unsigned letters however, we are taking this allegation very seriously and will respond internally to it. We are looking at additional diversity training for all the staff.

Resolution # PR - 2003 - 11 - 11

Moved by Krent

Seconded by Stewart

RESOLVED, that absent members are excused.

Yeas: All

Nays: None

MOTION CARRIED

Resolution # PR - 2003 - 11 - 12

Moved by Krent

Seconded by Fejes

RESOLVED, that there will not be a meeting in December.

Yeas: All
Nays: None
MOTION CARRIED

The meeting adjourned at 9:10 p.m.

Kathleen Fejes, Chairperson

Mary Williams, Recording Secretary

TROY DAZE MINUTES - FINAL

NOVEMBER 25, 2003

A Regular Meeting of the Troy Daze Advisory Committee was held Tuesday, November 25, 2003, at the Troy Community Center. Bob Berk called the Meeting to order at 7:33 P.M.

ROLL CALL

PRESENT: Bill Hall
Jim Cyrulewski
Robert Preston
Cheryl Whitton Kaszubski
Cele Dilley
Kessie Kaltsounis
Bob Berk
Mike Gonda

ABSENT: Jeff Biegler and Jessica Zablocki due to prior commitments

ADDITIONAL CITY STAFF PRESENT:

Tonya Perry	Dave Swanson
Bob Matlick	Steve Zavislak
Dave Swanson	Gerry Scherlinck
Cindy Stewart	

1. APPROVAL OF OCTOBER 28, 2003 MINUTES

Resolution TD-2003-11-013
Moved by Whitton Kaszubski
Seconded by Dilley

RESOLVED, That the October 28, 2003 minutes be amended by changing the vote number from "10" to "9" on both resolutions because the Parks & Recreation representative is not a voting member. Be it further resolved to accept the October minutes with corrections.

Yes: All-8

MOTION CARRIED

OLD BUSINESS - NONE

NEW BUSINESS

1. ELECTION OF TROY DAZE ADVISORY COMMITTEE OFFICERS

Bob Berk stepped down during election of Chairman. Kessie asked if there were further nominations to the current slate and none were added.

Resolution TD-2003-11-14
Moved by Cheryl Whitton Kaszubski
Seconded by Mike Gonda

RESOLVED, That Bob Berk be elected Chairman by acclamation

Yes: 7

Bob stepped back as Chairman and asked for further nominations for Vice Chairman, none added.

Resolution TD-2003-11-15
Moved by Cyrulewski
Seconded by Whitton Kaszubski

RESOLVED, That Kessie Kaltsounis be elected Vice Chairman by acclamation.

Yes: 7

No additional nominations for Treasurer

Resolution TD-2003-11-16
Moved by Cyrulewski
Seconded by Gonda

RESOLVED, That Cheryl Whitton Kaszubski be elected Treasurer by acclamation.

Amended 1-27-04 to add:

Yes: 7

2. APPOINTMENT OF FESTIVAL ACTIVITY CHAIRPERSONS

Resolution TD-2003-11-17

Moved by Whitton Kaszubski

Seconded by Kaltsounis

RESOLVED, That all from last year be reappointed as Chairpersons again this year.

3. PROPOSED PROCESS FOR NEW ADVISORY BOARD MEMBERS

Will draft a procedure and return in January for review and recommendations.

4. THANK YOU

Wishing Dave, Steve, and Joy all retiring before the next meeting in January a heartfelt thank you. Your efforts are much appreciated and you will be missed, of course you are more than welcome as volunteers at any time. We have cake and coffee for all.

Meeting adjourned at 8:02P.M.

BOB BERK, COMMITTEE CHAIRMAN

JOY KOEGLER, Recording Secretary

LIBRARY BOARD MINUTES - FINAL

JANUARY 8, 2004

A Regular Meeting of the Troy Library Board was held Thursday, January 8, 2004 at the Office of the Library Director. Joanne Allen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL

PRESENT: Joanne Allen
Lynne Gregory
Brian Griffen
Nancy Wheeler
Audre Zembrzuski
Steve Zhang, Student Rep.
Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2004-01-001

Moved by Zembrzuski
Seconded by Wheeler

RESOLVED, That the Minutes of December 11, 2003 be approved

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2004-01-002

Moved by Wheeler
Seconded by Gregory

RESOLVED, That the Agenda be approved as amended adding 8 H. SLC Report

Yes: 5—Allen, Gregory, Griffen, Wheeler, Zembrzuski
No: 0

MOTION CARRIED**REGULAR BUSINESS**

Reviewed the net cost figures for a Troy household for library service (\$129) and the Suburban Library Cooperative current non-resident fee of \$100, and the expectation that it will double shortly to \$200. Also reviewed that of the 57,624 cardholders at the library, 75% were Troy residents. The remaining 25% is comprised of people who either work in Troy, go to school in Troy, live in an area with which we have reciprocity with the local library, or have purchased a non-resident card.

REPORTS & COMMUNICATIONS**Director's report.**

New lights are being installed in the Youth Services Area; Rhonda Gowler Greene who

is the author of the book selected for the Michigan Reads! 2004 program will visit out library on April 17th before the statewide kickoff.

Board Member comments.

- Zembrzuski asked about where the donation money goes. The donor can give to the Friends of the Library or directly to the City. If it is given to the City, it goes into the General Fund.
- Griffen said that he was planning on attending the next Friends of the Library meeting.
- Wheeler asked about the Memorial donation procedures and for the Library to review them and make changes necessary to insure promptness in notification to parties affected.

Friends of the Library.

A Finance Committee has been appointed to address issues of efficiency of procedures. Three Board Member positions will be vacant April 1, 2004. The Gift Shop has changed its display approach now that the holiday season is over.

Gifts.

Seven gifts totaling \$685.00 were received.

Informational Items.

None.

Contacts and Correspondence.

11 written comments from the public were reviewed.

Public Participation. There was no public participation.

SLC Report.

The SLC Board approved a \$500 extra payment for the Systems Librarian who covered for the Director during maternity leave. The annual leave and sick leave policies were revised. Changes were made to the evaluation procedure for the SLC Director.

The Library Board meeting adjourned at 8:20 P.M.

Joanne Allen
Chair

Brian Stoutenburg
Recording Secretary

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, January 8, 2003 at the Troy Community Center, room 503. Chairperson, Kathleen Fejes called the meeting to order at 7:30 p.m.

Present:	Kathleen Fejes, member Ida Edmunds, member Tom Krent, member Janice Zikakis, member Jeff Biegler, staff	Merrill Dixon, member Doug Bordas, member Jeff Stewart, member Stu Alderman, staff Carol K. Anderson, staff
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Absent: Meaghan Kovacs, Amy Kerns, Orestes Kaltsounis.

Visitors: Doug Smith, Michelle Hodges, Kimberly Kovac

Resolution # PR - 2004 - 01 - 001

Moved by Krent

Seconded by Zikakis

RESOLVED, that the minutes from November 13, 2003 be approved as submitted.

Yeas: All

Nays: None

MOTION CARRIED

NEW BUSINESS

A. Surplus Parcels - Doug Smith spoke to the Board about City owned remnant parcel land sales. The City owns about 50 small parcels of land that were remaining from road projects. Some may add value to the park property bank while most would be difficult to maintain and serve few people. Park Board members should contact Carol Anderson or Doug Smith to offer input on the potential sale of these properties.

B. Creating A Campus - Troy Civic Center - Michelle Hodges and Kimberly Kovac from the Chamber of Commerce spoke regarding the Civic Center site and building a hotel and conference center on it. Michelle distributed a hand-out listing the advantages to the City if one were built.

C. Community Center Fees - City Council has authorized the City Manager to set fees for the Community Center recreation passes using the distributive method. Absent any objection from Council, the fees will be raised 10% to help cover expenses.

Resolution # PR - 2004 - 01 - 002

Moved by Krent

Seconded by Bordas

RESOLVED, that the Parks and Recreation Advisory Board endorses managements action in setting the recreation fee at the new rate.

Ayes: All
Nays: None
MOTION CARRIED

OLD BUSINESS

A. Soccer Field Usage - This item was postponed until the February meeting.

Staff Reports

1) Directors Report - At the annual conference of the Michigan Recreation and Parks Association in February, Carol Anderson will be accepting the facility design award for the Community Center.

The Cricket Association will be informing staff of their proposed contribution for development of a field on the Livernois site. The football organization considered the site but found it inadequate due to the limited parking. City Council will be updated on this matter in February.

On Tuesday, January 13, 2004 we will host a "Sports Day Event" in which we will be celebrating and recognizing groups, organizations and individuals that have contributed to the pursuit of athletics and sports in Troy.

2) Recreation Report - Community Kaleidoscope will be at Smith Middle School on January 24, 2004. Various departments are involved in this event.

3) Parks Report - The landscape project on Big Beaver and Rochester Roads has been completed.

The meeting adjourned at 9:35 p.m.

Kathleen Fejes, Chairperson

Mary Williams, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Chamberlain at 7:35 p.m. on January 27, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Robert Schultz
Walter Storrs
Thomas Strat

Absent:

Lawrence Littman
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Vice Chair Chamberlain postponed the motion to excuse absent members.
[See page 4.]

2. MINUTES

Vice Chair Chamberlain requested that the January 6, 2004 Special/Study Meeting minutes be revised as follows.

Page 8, Good of the Order, first paragraph, to be revised to read as follows:

- (1) The screening of dumpsters with shrubbery, as implemented in North Carolina.
- (3) The speech [given by Michelle Hodges] on the need for the conference center for the commercial and business base so that the City would not lose that tax base.

Resolution # PC-2004-01-010

Moved by: Schultz
Seconded by: Strat

RESOLVED, To approve the January 6, 2004 Special/Study Meeting minutes as amended.

Yes: All present (5)
No: None
Absent: Littman, Vleck, Waller, Wright

MOTION CARRIED

Resolution # PC-2004-01-011

Moved by: Strat
Seconded by: Drake-Batts

RESOLVED, To approve the January 13, 2004 Regular Meeting minutes as published.

Yes: All present (5)
No: None
Absent: Littman, Vleck, Waller, Wright

MOTION CARRIED

3. **PUBLIC COMMENTS**

There was no one present who wished to speak.

4. **REVIEW OF SALEEN TOUR**

Due to inclement weather, the tour was postponed to an indefinite date.

5. **PRESENTATION BY JOE MANIACI AND ROBERT GIBBS** – Historic Lorna Stone Village Planned Unit Development, Northeast corner of Adams Road and South Boulevard, Rochester Hills, Michigan

Joe Maniaci of 50215 Schoenherr, Shelby Township, was present.

Robert Gibbs, landscape architect for the Historic Lorna Stone Village Planned Unit Development, was also present. Mr. Gibbs said the Planned Unit Development comprises 25 acres of property wherein a traditional neighborhood with mixed uses is planned. The mixed uses are single family homes designed in a traditional pattern, traditional-looking owner-occupied condominiums, and a small amount of convenience retail. A slide presentation detailed the property and proposal, similarly designed projects located throughout the United States, types of architecture, and restoration of historic buildings.

Mr. Gibbs addressed questions relating to guest parking, owner-occupied condominiums, building codes and ground breaking plans.

Mr. Gibbs said he would provide the Planning Department with a compact disk of his presentation, as well as a copy of the code book.

The Commissioners and members of staff thanked Mr. Gibbs for his presentation.

Vice Chair Chamberlain requested a recess at 8:15 p.m.

The meeting reconvened at 8:20 p.m.

6. PLANNING AND ZONING REPORT

Mr. Savidant reported on Council actions taken at its January 26, 2004 Regular Meeting.

- *Rezoning Application (Z 597)* – South side of Long Lake Road, West of Rochester Road, Section 15, R-1T to B-2 – **Denied**
- *Crestwood Site Condominium Preliminary Plan Review*– North of Wattles, East of Livernois, part of the Crestfield Subdivision in the SW ¼ of Section 15, R-1C – **Approved**
- *Wattles Ridge Site Condominium Preliminary Site Condominium Review*– South of Wattles, East of Rochester, Section 23, R-1C – **Approved**
- *Colleen Meadows Site Condominium Final Site Condominium Review (Revised)* – West of Dequindre Road and south of Square Lake Road, Section 12, R-1C – **Approved**
- *The Estates at Cambridge Subdivision Final Plat Approval* – East Side of Beach Road, North of Wattles, Section 18, R-1B – **Approved**

Mr. Savidant reported on the following:

- *CN Railroad Pedestrian Crossing Study* – Hubbell, Roth & Clark's feasibility study with respect to providing an overpass or underpass for pedestrian access to the proposed train station on the west side of the railroad tracks near the southwest corner of Maple and Coolidge (Mid-Town Square) is projected to be ready for review by the City Engineer within the next two weeks.

1. RESOLUTION TO EXCUSE ABSENT MEMBERS

Resolution # PC-2004-01-012

Moved by: Schultz

Seconded by: Strat

RESOLVED, That Messrs. Littman, Vleck, Waller and Wright be excused from attendance at this meeting.

Yes: All present (5)

No: None

Absent: Littman, Vleck, Waller, Wright

MOTION CARRIED

7. BOARD OF ZONING APPEALS REPORT

No report.

8. REAL ESTATE & DEVELOPMENT REPORT

Mr. Smith reported on the following:

- Overview of 2003
 - Axtell Tech (Arvin Meritor spin-off) exit from the City was offset by Lear GM Division Headquarters at the 300 E. Big Beaver site - creates a good outlook for prospective tenants.
 - Saleen Facility produced 27 hand-assembled cars (Ford GT, GT Racer, Saleen Mustang), two of which will be promoted in the Super Bowl ads. Pickets are currently at the facility because it is a non-union assembly plant.
 - An approximate 200,000 to 300,000 square feet of Class A office space is leased. Leasing activity level picked up in mid-December; lower lease rates (\$20-\$21 per square foot) may be attracting prospective tenants.
 - Funding is in process for the I-75 Crooks/Long Lake Interchange. Redesigned slip ramps reduce impact to the White Chapel Cemetery and EDS properties. MDOT projects no I-75 lane closures during the interchange work.
- April 5 Election
 - Five ballot proposals relate to the Charter (ballot language provided for Planning Commission packets).
 - Language for a non-positional brochure on the proposed Conference/Hotel facilities at the Troy Civic Center site continues to be worked on by the City Council and staff.

- Commercial/Industrial Vacancy Summary - 2004
 - Vacancy rates were reviewed.
 - Assessing Department conducted on-site inspections of every building.
 - Discrepancy between Assessing Department's rates and commercially publicized rates.

9. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Smith reported on the following:

- Big Beaver Corridor Streetscape.
 - Request for Qualifications (RFQ) will be the recommendation of staff.

10. CITY OWNED SURPLUS PARCELS

Mr. Smith reported that, at the request of the City Council, staff reviewed and inventoried 45 surplus properties. It was the determination of staff that 29 of those surplus properties are saleable properties. City Council requested that staff review the 29 surplus properties again to determine if any are appropriate for alternate uses (i.e., pocket parks, connections to a trail system). After further review by the Parks & Recreation Board, Parks & Recreation Department and staff, a determination was made to recommend to City Council to sell the 29 surplus properties. Mr. Smith noted that 4 or 5 of the surplus properties would be recommended for remnant parcel sale.

11. PRESENTATIONS BY TOM STRAT

Mr. Strat shared information from two seminars he attended and his knowledge of architectural contracts. Some topics highlighted were:

Seminars

- Establish objectives and goals shared by Commission and City staff.
- Reasonable return on investment.
- Think outside of the box.
- Provide incentives to developers for innovative developments.
- Performance standards versus specific standards.
- Use of visual aids.
- Written reports from all departmental reviews inclusive of detailed checklist.

AIA Contracts

- Programming
- Design Development
- Construction Documents
- Award of the construction for bids
- Construction Administration
- Final completion

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

Mr. Savidant requested direction from the Commission with respect to appropriate modifications of the proposed zoning ordinance text.

Discussion followed. Two items that need further review are the minor repair of vehicles and functional screening. It was determined that Mr. Strat would meet with the Planning Department to prepare draft proposed language. If not prepared in time for distribution with the February 3, 2004 Special/Study Meeting packet, the proposed draft language will be provided to members by e-mail.

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 204) – Articles 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Mr. Savidant requested direction from the Commission with respect to the proposed zoning ordinance text.

Vice Chair Chamberlain suggested that a prototype property to review for appropriate screening of adjacent M-1 properties would be behind the Camp Bow Wow commercial kennel located at 1300 Souter.

Discussion followed. It was determined that Mr. Strat would meet with the Planning Department to prepare draft proposed language. If not prepared in time for distribution with the February 3, 2004 Special/Study Meeting packet, the proposed draft language will be provided to members by e-mail.

14. JOINT COMMITTEE SELECTION

Item postponed to the February 3, 2004 Special/Study Meeting.

15. PLANNING COMMISSION WORK PROGRAM

Item postponed to the February 3, 2004 Special/Study Meeting.

16. PLANNING COMMISSION BUDGET REVIEW

Item postponed to the February 3, 2004 Special/Study Meeting.

17. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Mr. Savidant asked if the Commission had any comments on the proposed draft zoning ordinance text.

The members had no comments.

18. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Strat expressed an interest in attending the National Conference in Washington, D.C. He will contact the Planning Department to check on budget monies and procedure to request his attendance at the conference. Mr. Strat asked the Planning Department for assistance in preparing a distribution package for items related to his presentation tonight.

Mr. Schultz thanked Mr. Strat for his informative presentation tonight. Mr. Schultz said he was glad that the Commission gave Messrs. Maniaci and Gibbs the opportunity to present the Historic Lorna Stone Village PUD. He said the project looks and sounds a lot better than seeing a two-dimensional drawing.

Mr. Storrs said the final Civic Center Task Force meeting is scheduled Wednesday, January 28, at 7:30 p.m. He welcomed everyone to come. The purpose of the meeting is to finalize the verbiage for the City Council report that is tentatively scheduled to go to City Council at their February 16, 2004 meeting.

Vice Chair Chamberlain asked Mr. Motzny to track and report back to the Planning Commission on a court case in Meridian Township. The township is being sued because its Planning Commission denied a church expansion for a school to accommodate 125 students. The reason for the denial was that there was not enough land on which to build the school; i.e., bulk land criteria were not met. The church is suing on the basis of freedom of religion.

Vice Chair Chamberlain explained that he requested a copy of the Gibbs presentation disk because he thinks it would be a useful tool in the Maple Road Corridor study.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:47 p.m.

Respectfully submitted,

Gary Chamberlain, Vice Chair

Kathy L. Czarnecki, Recording Secretary

Call to Order

The regular meeting of the Ethnic Issues Advisory Board was called to order on February 3, 2004 at 7:00 p.m. in the Lower Level Conference Room at Troy City Hall.

Roll Call

Present:	Anju Brodbine	Charles Yuan
	Amin Hashmi	Jeff Hyun
	Oniell Shah	Hailu Robele
	Padma Kuppa	Katie Beyer, Student Rep
	Tom Kaszubski	Cindy Stewart, City Liaison
Absent:	Flora Tan	Kara Huang

Motion by Kuppa, Second by Yuan to excuse Flora Tan & Kara Huang.

Guests

Carol Anderson, John Szerlag, Kathy Fejes, Brian Wattles

Approval of Minutes

Motion by Yuan, support by Brodbine to approve January 6, 2004 minutes. Approved unanimously.

New Business

A. John Szerlag, City Manager - City Council Action

Council discussions related to Nativity scene on City property expanded to include cultural and historical displays to highlight Troy's diversity in a positive light on an annual basis. Council's Mission Statement: "The Troy City Plaza is dedicated to the positive expression of our cultural and historical heritage, philosophies, and ethnic diversity, encouraging activities and displays." Asking EIA Board to take the lead working with Parks & Rec Board and CCPTF re: venues showing City in a positive light for annual displays depicting events which will highlight and honor them in the SW quad of Town Center and Civic Center Dr. Make a recommendation to City Council by May 2004.

Discussion & questions:

What if 2 groups would want to have their displays up at the same time? Is this mixing church and state? Okay if all groups are given equal opportunity. Historical and cultural displays that represent positive community values would be the best. Message could be the similarities of all religions ex. Hindu - trinity, Christian, B'hai - all faiths/religions are one.

Who would decide what displays are appropriate? EIA or Council?

Also determine methods of funding. How would be the EIA and what would be up to City Council.

Content – determine what displays are okay. Would we be opening a can of worms?

Suggestion to do something similar to Sights & Sounds. Perhaps make it more general like Farmington Hills Unity Candle - change the color of lights.

What is fair way to represent each culture?

Brian Wattles, chairman from CCPTF said his group is proposing an amphitheatre on same SW quadrant at Civic Center and Town Center. Also proposing an Ethnic Festival on this site. Adequate room and parking. This is the key element of their proposed plan. Amphitheatre facing I-75 similar to Parks & Rec summer concerts on a larger scale. Other amenities would include a Fountain Plaza on the now existing soccer fields. This area could hold tents, food vendors close to amphitheatre area. CCPTF wants Civic Center to be a draw to residents year round.

Cultural display if approved would then be across from the area reflective head will be placed. Park like greenbelt along Town Center east of Civic Center. Parks & Rec Board could assist EIA with determining venues. Planning Commission would determine dimensions.

Proposed meeting in April with EIA Board and Parks & Rec Board. If April 5 election says no to Conference Center, CCPTF could be reconvened to look at 7 acres on Civic Center site. Suggestions to have a subcommittee between 3 groups. Stewart will provide monthly reports to Szerlag. EIA Board accepts the assignment.

OLD BUSINESS

a. Sights & Sounds Program – February 7 – China

15 performances including children's dance, Fashion Show – kids, Pop Music, Chinese Martial Arts, Chinese Instrument, Chinese Traditional Song – 4 people, Traditional Chinese Dance – 7 adults, Female Singer, Tai Chi with sword, Traditional Instruments – 5 people. Chinese group will bring sound system. Have stage the largest it will go and lights on. Need Board members for volunteers - balloons, set up displays. Mayada will bring kids scissors for paper cutting.

Sights & Sounds of the Middle East – April 17 - Mayada Fakhouri (mayadaf@arabacc.org) from American Arab Chaldean Council did similar event at Wass. They will offer exhibits and music. 22 countries represent Arab Culture – flag colors green, black, red, white. Displays depicting Old World Arab and Modern Arab; famous Arab Americans; costumes, musical instruments, historical figures, fortune teller, palm reader, kids activities.

Food for meeting- Padma in March, Jeff in April. February meeting re: EthniCity/City Plaza

Motion by Yuan, seconded by Shah to adjourn. Meeting adjourned at 9:05 pm.

Tom Kaszubski, EIA Board Chairman

Cindy Stewart, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Vice Chair Chamberlain at 7:30 p.m. on February 3, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lawrence Littman
Robert Schultz
Walter Storrs
Thomas Strat

Absent:

Lynn Drake-Batts
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Vice Chair Chamberlain postponed the motion to excuse absent members.
[See page 2]

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported that he has information available with respect to the Kwan office building on Dequindre, but it would be best to postpone the discussion until Mr. Vleck is in attendance.

4. SUB-COMMITTEE REPORT – CR-1

- and -

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Agenda item #4 relating to the CR-1 Sub Committee and Agenda item #7 were discussed collectively.

Mr. Miller reported that the Planning Department prepared draft ordinance language that will in effect allow residential development opportunities in the R-1A to R-1E zoning districts. He noted two specific items that should be addressed are the provision for public or private roads and the approval process.

The proposed language was reviewed thoroughly, section by section. Modifications were noted and the Planning Department will incorporate the changes into a revised draft for review by the Commission at their February 24, 2004 Special/Study Meeting.

Vice Chair Chamberlain said the Public Hearing on the proposed zoning ordinance text would be scheduled for the March 9, 2004 Regular Meeting.

1. RESOLUTION TO EXCUSE ABSENT MEMBERS

Resolution # PC-2004-02-013

Moved by: Storrs

Seconded by: Strat

RESOLVED, That Ms. Drake-Batts and Messrs. Vleck, Waller and Wright be excused from attendance at this meeting.

Yes: All present (5)

No: None

Absent: Drake-Batts, Vleck, Waller, Wright

MOTION CARRIED

Vice Chair Chamberlain requested a recess at 8:55 p.m.

The meeting reconvened at 9:05 p.m.

4. SUB-COMMITTEE REPORTS (continued)

Tree Preservation / Landscaping / Walls

No report.

Gateway / Beautification

No report.

Special Use

Mr. Savidant reported that he started restructuring the district regulation language. The intent is to put the district regulations in the form of a matrix and separate the design standards into a Design Standards article.

Vice Chair Chamberlain reported the Commission would review the matrix and proposed language again, noting there are new Commission members on board since the special use review began in 2001. He said the target date for completion of the matrix is the end of March.

Indoor Commercial Recreation

No report.

Civic Center Priority Task Force

Mr. Storrs reported that a briefing and report will be given to the City Council at their February 16, 2004 Meeting.

5. COMMITTEE APPOINTMENTS

Item postponed to the February 24, 2004 Special/Study Meeting.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 202) – Article 28.30.02 Outside Storage of Commercial & Recreational Vehicles in Self Storage Facilities

- and -

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 204) – Articles 28.00.00 Outside Storage of Commercial and Recreational Vehicles in Required Off Street Parking in the M-1 District

Agenda items #6 and #7 were discussed collectively.

Mr. Miller reported that the Planning Department staff is conducting site visits to document all of the self-storage facilities and outdoor storage yards within the City and determine each site's capability with respect to the potential for storage of commercial and recreational vehicles. He said that he and Mr. Savidant conducted a site visit of a self-storage facility only to discover that the facility is currently using its space for open storage. Mr. Miller said the findings could show that there is presently the potential for 500 spaces in current self-storage facilities and outdoor storage yards.

Mr. Miller reported that the Planning Department met with Mr. Strat. Their discussion realized that the ordinance currently allows outdoor and indoor storage of commercial and recreational vehicles as a Special Use in the M-1 district. Alternative screening and landscaping methods for outdoor storage areas still needs to be addressed.

Vice Chair Chamberlain resolved to table both ZOTA's to the February 24, 2004 Special/Study meeting. The Planning Department will make minor modifications to the draft language for the parking requirements in self-storage facilities and prepare draft language for screening and landscaping methods.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 200) – Article 11.00.00 CR-1 One Family Cluster

Discussed under Sub-Committee CR-1, refer to page 1.

9. JOINT COMMITTEE SELECTION

Item postponed to the February 24, 2004 Special/Study Meeting.

10. PLANNING COMMISSION WORK PROGRAM

Item postponed to the February 24, 2004 Special/Study Meeting.

11. PLANNING COMMISSION BUDGET REVIEW

Item postponed to the February 24, 2004 Special/Study Meeting.

12. REVIEW OF FEBRUARY 10, 2004 REGULAR MEETING

Items briefly discussed were:

- Proposed Custer Estates Site Condominium (Revised Plan), 2 units proposed, North of Long Lake, East of John R, Section 12 – R-1C
- Foot Specialty Clinic, Proposed Medical Office Building, South of Big Beaver, West side of Dequindre, Section 25 – B-1

Mr. Miller said that the Kresge Foundation Headquarters is targeting its site plan submission for the March regular meeting. In discussion with the petitioner, Mr. Miller said it appears that the site plan will be a creative, environmentally-friendly design.

13. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Miller said the light agenda for the February regular meeting is probably a result of a winter lull.

Mr. Savidant commented that tonight's meeting was very productive.

Mr. Schultz agreed and said tonight's session was a true "study session".

Mr. Strat asked if the Legal Department has reviewed further the legal opinion on the Joint Committee with respect to the definition of a standing committee.

Mr. Motzny replied that the Legal Department has reviewed the matter again and the draft memorandum is pending review and approval by the City Attorney.

Mr. Strat asked if the Commission would be provided a copy of the Hubbell Roth & Clark feasibility study on the CN Railroad Pedestrian Crossing.

Mr. Miller indicated that the City Engineer has acknowledged that the Commission has an interest in this project, and that the Engineering Department would most likely keep the Commission up-to-date on the project status.

Mr. Strat asked how to get a copy of the tape for the January 27, 2004 Special/Study Meeting. He was informed to check with either the Library or the Community Affairs Department.

Vice Chair Chamberlain would like the Commission to re-visit snow removal to make sure that adequate storage of cleared snow is provided for projects. He said the cul de sac on which he lives has been literally buried with snow by the plows, and that the clearing of snow becomes a real problem for many City streets.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:35 p.m.

Respectfully submitted,

Gary Chamberlain, Vice Chair

Kathy L. Czarnecki, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, January 14, 2004, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 3:06 p.m.

TRUSTEES PRESENT:

Mark Calice
Robert Crawford
Thomas Houghton, Chair
David A. Lambert (Arrived 3:12 pm)
John M. Lamerato
Steven A. Pallotta
John Szerlag

ALSO PRESENT:

Laura Fitzpatrick

MINUTES

Resolution # ER – 2004 – 02 - 006

Moved by Pallotta
Seconded by Calice

RESOLVED, That the minutes of the January 14, 2004 meeting be approved.

Yeas: All 6
Absent: Lambert

RETIREMENT REQUEST

Resolution # ER – 2004 – 02 - 007

Moved by Lamerato
Seconded by Calice

RESOLVED, That the following retirement requests be approved:

Charles S. Russ, DB, 3/13/04, 23 years
Douglas Lamm, DC, 3/5/04, 37 years 2 months
Rose M. Otto, DB, 4/13/04, 26 years, 10 months
Richard F. Beaubian, DB, 3/17/04, 15 years, 3 months (Deferred)
Marvin Ash, DC, 3/27/04, 32 years, 11 months

Yeas: All 6
Absent: Lambert

OTHER BUSINESS- PRIOR GOVERNMENTAL RETIREMENT SERVICE

The Board received and filed a listing of employees qualifying for prior governmental services, which will be attached to the original minutes of this meeting.

OTHER BUSINESS- RETIREE ADDITION TO THE BOARD OF TRUSTEES

The Board reviewed the final revisions to Chapter 10, as approved by the City Council and will seek candidates for the DB Retiree position.

INVESTMENTS***Resolution # ER – 2004 – 02 - 008***

Moved by Houghton
Seconded by Szerlag

RESOLVED, That the Board purchase \$1,000,000 of Pimco Total Return Mutual Fund.

Yeas: All 7

Resolution # ER – 2004 – 02 - 009

Moved by Lamerato
Seconded by Houghton

RESOLVED, That the Board purchase \$400,000 of ING Foreign Fund A Mutual Fund.

Yeas: All 7

Resolution # ER – 2004 – 02 - 010

Moved by Szerlag
Seconded by Calice

RESOLVED, That the Board purchase 2,000 shares of Taser International.

Yeas: Calice, Crawford, Lamerato, Pallotta, Szerlag

Nays: Houghton, Lambert

Resolution # ER – 2004 – 02 - 011

Moved by Lambert
Seconded by Pollotta

RESOLVED, That the Board purchase 5,000 shares Constellation Brands and 9,000 shares of L-3 Communications.

Yeas: All 7

The next meeting is March 10, 2004 at 3:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 4:15 p.m.

JML/bt\Retirement Board\2004\02-11-04 Minutes_Draft.doc

February 6, 2004

TO: The Employee Retirement System Board of Trustees

FROM: Laura Fitzpatrick, Assistant to the City Manager 

SUBJECT: Prior Government Service Credit for Eligibility

Here is a list of employees eligible for prior government service credits. Note this impacts only eligibility to retire from the City of Troy. Pension calculations and health care coverage is based on Troy service only.

Last Name	First Name	# Years	# Months	Troy Full- Time Start Date
Smith State of Michigan	Douglas			
TOTAL:		10	11	3/98
Perkola Macomb Community College City of Warren, MI City of Grosse Pointe Farms, MI City of Bremerton, WA	Stephen	1 1	7 7 4 3	
TOTAL:		3	9	2/88
Struckman City of Pontiac, MI	Marlene			
TOTAL:		14	10	8/90

LIBRARY BOARD MINUTES - DRAFT

FEBRUARY 12, 2004

A Regular Meeting of the Troy Library Board was held Thursday, February 12, 2004 at the Office of the Library Director. Joanne Allen, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL

PRESENT: Joanne Allen
 Lynne Gregory
 Nancy Wheeler
 Audre Zembrzuski
 Steve Zhang, Student Rep.
 Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2004-001

Moved by Gregory

Seconded by Zembrzuski

RESOLVED, That Brian Griffen's absence be excused

Yes: 4—Allen, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED**Resolution #LB-2004-02-002**

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That the Minutes of January 8, 2004 be approved

Yes: 4—Allen, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2004-02-003

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That the Agenda be approved as amended adding 8 H. SLC Report

Yes: 4—Allen, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

REGULAR BUSINESS

Reviewed the 2004-05 budget request and discussed possible areas to cut. Areas to look at for cuts are Personnel, Materials, Computers. Areas to look at for increased Revenues are AV and Book Rental fees, Overdue Fines rates, Meeting Room Fees, charges for non-core services such as programs and art exhibits.

REPORTS & COMMUNICATIONS

Director's report.

The annual Boards and Committees recognition dinner was discussed. All members were planning on attending.

Board Member comments.

Zembrzuski suggested that the library monthly calendar be posted on the library bulletin board.

Friends of the Library.

The Friends of Michigan Libraries met at the Southfield Public Library. There was a presentation of Tutor.Com at the meeting, as well as information about the Michigan Reads program for pre-school children. The Baldwin Library is interested in finding out about the Friends used bookstore operation.

Gifts. One gift totaling \$12.00 was received.

Informational Items. February TPL Calendar

Contacts and Correspondence. 19 written comments from the public were reviewed.

Public Participation. There was no public participation.

SLC Report.

The SLC Board approved the increase in the non-resident fee to \$200 per family. SLC had a good audit report. They approved investigating the software product Envisionware that schedules PCs. Staff will be attending the Sirsi Conference in April. The Board approved a new "missing piece" policy so that all libraries in the Cooperative dealt with this in the same way.

The Library Board meeting adjourned at 8:35 P.M.

Joanne Allen
Chair

Brian Stoutenburg
Recording Secretary

The Vice-Chairperson, Marcia Gies, called the meeting of the Board of Zoning Appeals to order in Council Chambers, at 7:30 P.M., on Tuesday, February 17, 2004.

PRESENT: Kenneth Courtney
 Marcia Gies
 Michael Hutson
 Matthew Kovacs
 Thomas Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
 Susan Lancaster, Assistant City Attorney
 Pamela Pasternak, Recording Secretary

ABSENT: Christopher Fejes
 Mark Maxwell

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 20, 2004

Motion by Courtney
 Supported by Kovacs

MOVED, to approve the minutes of the meeting of January 20, 2004 as written; and further MOVED, to rescind the motion made to change the date of this meeting.

Yeas: 4 – Gies, Hutson, Kovacs, Courtney
 Abstain: 1 - Strat
 Absent: 2 – Fejes, Maxwell

MOTION TO APPROVE THE MINUTES AND TO RESCIND THE MOTION MADE TO CHANGE THE DATE OF THE MEETING CARRIED

ITEM #2 – APPROVAL OF ITEM #3

Motion by Courtney
 Supported by Hutson

MOVED, to approve Item #3 in accordance with the suggested resolution.

ITEM #3 – RENEWAL REQUESTED. VFW POST, 2375 E. MAPLE, for relief to maintain an existing legal non-conforming use building and relief of the 4'-6" high masonry wall required adjacent to off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board since 1969, to maintain a non-conforming building and use, and relief of the 4'-6" high masonry wall required at their off-street parking area. The use and structure are non-conforming in that they are located in a residential zoned district. The petitioner is

ITEM #3 – con't.

requesting to continue use of the structure as well as relief of the wall required at their off-street parking area. This item last appeared before this Board at the meeting of February 2001 and was granted a three (3) year renewal at that time. We have no complaints or objections on file.

MOVED, to grant VFW Post, 2375 E. Maple, a three (3) year renewal of relief to maintain a non-conforming building and use, and relief of the 4'-6" high masonry wall required at their off-street parking area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 5 – Gies, Hutson, Kovacs, Strat, Courtney

Absent: 2 – Fejes, Maxwell

MOTION TO APPROVE REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. STEPHAN SLAVIK, 2949 VINEYARDS DR., for relief to construct a new, enclosed swimming pool addition on the rear of the existing home. This addition would result in an 18' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

Ms. Gies explained that the Board had received a letter from Mr. Slavik requesting this item be postponed until the meeting of March 16, 2004.

Motion by Kovacs

Supported by Courtney

MOVED, to postpone the request of Stephan Slavik, 2949 Vineyards Dr., for relief to construct a new, enclosed swimming pool addition on the rear of the existing home to the regularly scheduled meeting of March 16, 2004. This addition would result in an 18' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

- To allow the petitioner the opportunity to be present.

Yeas: 5 – Hutson, Kovacs, Strat, Courtney, Gies

Absent: 2 – Fejes, Maxwell

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF MARCH 16, 2004
CARRIED.

ITEM #5 – VARIANCE REQUESTED. A.J. BOWMAN, 5615 JOHN R., for relief of the Zoning Ordinance to construct a detached garage resulting in a 9.4' front yard setback to the south property line along Abbotsford where Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. This lot is a double front corner lot. As such, it has front yard setbacks along both John R. and Abbotsford. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts. The site plan submitted indicates a 9.4' front yard setback from the proposed garage to the south property line along Abbotsford.

This item last appeared before this Board at the meeting of January 20, 2004 and was postponed to allow the petitioner the opportunity to be present.

Mr. Bowman and Mr. John Lapetrone from Miller Garage Company were present. Mr. Lapetrone stated that they feel this is the best location for this garage as the home is also setback 10' from Abbotsford and this garage will be in line with the home. Mr. Lapetrone also stated that Mr. Bowman may wish to add an addition at a later time to his home and this location for the garage will not interfere with the addition. Mr. Lapetrone went on to say that they are sure that there are no utilities located in this area and further there are fence posts along Abbotsford.

Ms. Gies opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Courtney asked if an addition could be put on this home. Mr. Stimac explained that because this home is located 10' from the front property line and less than the required 10' side yard setback from the north property line it is considered a legal non-conforming structure. If an addition were placed on the back of the home with at least a 10' setback from the north property line and at least a 30' setback from the south property line it could be constructed without a variance.

Mr. Hutson asked approximately how wide this lot was and Mr. Stimac stated that it is 60' wide, which would allow for a 30' wide structure.

Mr. Bowman stated that he has lived there for eight (8) years and he is trying to maximize the greatest enjoyment and privacy for himself and his family. Mr. Bowman further stated that he has made many improvements to this property and believes by putting the garage in another location he would not be able to make the best use of this lot.

ITEM #5 – con't.

Mr. Hutson questioned Mr. Bowman about putting on an addition. Mr. Bowman said that he would like to add a patio or something similar to that. Mr. Hutson then asked if he could attach the garage to the home and Mr. Lapetrone stated that it would be too expensive to attach the garage. Mr. Hutson also expressed concern about putting in a patio and then eventually requiring a variance to enclose the structure and make it a four-season room. Mr. Bowman indicated that if he got this variance, he would be willing to sign a paper indicating that he would not add a sun-room or enclosed room to the back of this home.

Mr. Strat asked Mr. Bowman what the hardship was. Mr. Bowman stated that this a slab home without a basement and there is no storage. Mr. Strat then asked what options were available and why the garage needed to be placed in this location. Mr. Lapetrone said that because of the lot configuration and the location of the home, they feel this would be the best location for this structure. Mr. Lapetrone also said that if the garage was put in another location it would chop up the lot.

Mr. Courtney asked if the garage could be attached to the home and Mr. Lapetrone stated that this would be cost prohibitive. Mr. Lapetrone further indicated that it is much more cost efficient to put up a detached garage rather than an attached garage.

Mr. Courtney asked if a variance would be required if the garage was moved to the end of the house. Mr. Stimac indicated that a variance would not be required as long as it met the 10' setback from the north property line and the 30' setback to the south property line. This addition would not increase the non-conformity of the existing structure as long as it met the setback requirements.

Motion by Kovacs

Supported by Courtney

MOVED, to grant A.J. Bowman, 5615 John R., a variance to construct a detached garage resulting in a 9.4' front yard setback to the south property line along Abbotsford where Section 30.10.04 requires a 30' minimum front yard setback in the R-1C Zoning District.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this petition.
- Literal enforcement of the Ordinance does preclude full enjoyment of the permitted use and makes conformance unnecessarily burdensome.

Yeas: 5 – Kovacs, Strat, Courtney, Gies, Hutson

Absent: 2 – Fejes, Maxwell

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. GHASSAN NASRALLAH, 3794 MARK DR., for relief to convert a screened-in patio to an enclosed four-season room resulting in a rear yard setback of 22' where Section 34.20.03 of the Ordinance requires a 35' minimum rear yard setback in R-1C zoning in subdivisions utilizing the open space option.

Mr. Stimac explained that the petitioner is requesting relief to convert a screened-in patio to an enclosed four-season room. The site plan submitted indicates that the proposed four-season room will result in a rear yard setback of 22'. Section 34.20.03 of the Ordinance requires a 35' minimum rear yard setback in R-1C zoning in subdivisions developed utilizing the open space option.

The Board of Zoning Appeals granted approval for the reduced setback for a screen porch on August 16, 1988. Approval is now requested for conversion of this space to a fully enclosed room. A copy of the minutes from the August 16, 1988 meeting is enclosed for your reference.

Mr. Nasrallah was present and brought in four (4) written approvals as well as a picture of the present structure. Mr. Nasrallah stated that he feels new windows and siding will make this structure more aesthetically pleasing.

Mr. Kovacs asked why Mr. Nasrallah wanted to convert this over. Mr. Nasrallah said that the house inside is very dim and this room would not only make the home brighter looking, but would also increase the value of the home. Mr. Kovacs then asked what the hardship was. Mr. Nasrallah said that the home has very little light in it and believes the glass windows would help this situation and also thinks it would add to the selling value of the home. Mr. Kovacs then asked what the hardship with the land was. Mr. Courtney said that he feels the hardship is in the fact that a variance was granted in 1988 to allow for a screened in patio and does not feel there is much of a difference in allowing this structure to have glass windows.

Mr. Hutson asked if the exterior of the home was going to be changed in any way by adding either larger windows or a door wall. Mr. Nasrallah said that all he is going to do is add siding, which he believes will make the structure look better.

Mr. Kovacs asked if the foundation would have to be changed in any way. Mr. Stimac said that this structure has not been inspected, however, he felt that the slab would be structurally sound to convert this room to a four-season room. Mr. Stimac did point out that modifications would have to be made if heat was to be added.

Mr. Strat asked if the property to the east would be affected in any way. Mr. Stimac said that this structure would not affect the house next door as the structure is not being made any larger.

Ms. Gies opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #6 – con't.

There are five (5) written approvals on file. There are no written objections on file.

Mr. Hutson expressed concern over the fact that citizens have asked for variances for screened in porches and within a few years, usually come back to make this a more permanent structure. Mr. Kovacs agreed with Mr. Hutson and stated that he thinks this lot is too small for this large a variance, however, this variance was originally granted in 1988 and therefore the structure is already there.

Motion by Courtney
Supported by Kovacs

MOVED, to grant Mr. & Mrs. Ghassan Nasrallah, 3794 Mark Dr., a variance to convert a screened-in patio to an enclosed four-season room resulting in a rear yard setback of 22' where Section 34.20.03 of the Ordinance requires a 35' minimum rear yard setback in R-1C zoning in subdivisions utilizing the open space option.

- Variance will not increase the original variance granted in 1988.
- Variance is not contrary to public interest.

Yeas: 5 – Strat, Courtney, Gies, Hutson, Kovacs
Absent: 2 – Maxwell, Fejes

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. MATHIAS WARMBRUNN, 4551 MILL POND, for relief to construct a family room addition resulting in a rear yard setback of 35.1' where Section 30.10.04 of the Zoning Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the rear yard setback to construct a family room addition. The site plan submitted indicates a proposed family room addition, which will result in a 35.1' rear yard setback. Section 30.10.04 of the Zoning Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Warmbrunn was present and stated that he has lived in this home for approximately 4 years and he and his family love the area and his neighbors. Mr. Warmbrunn also said that his home is built on a slab, storage is at a minimum, and now that his children are getting bigger they are running out of room.

Mr. Courtney asked if they have looked at larger homes and Mr. Warmbrunn said that they like this subdivision because of the close proximity of the schools and would rather not move.

ITEM #7 – con't.

Ms. Gies opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections.

Mr. Hutson said that he could understand Mr. Warmbrunn's request for a variance and was sympathetic to his request.

Mr. Kovacs stated that he thought this was a very minimal variance request and felt that this property is unique in that it backs up to school property.

Mr. Stimac explained that when this subdivision was originally built, the R-1C setbacks were 40' for the front yard setback and 30' to the rear yard setback. In the 70s the Ordinance was changed and the setbacks were reversed. An exception was put into the Ordinance, Note 'P', which said that if the predominant setback along the street was 40', you could have a 35' rear yard setback. In 1993 an amendment was made to delete Note P, due to the fact that it was felt that the Zoning Board of Appeals would address variance requests regarding setbacks.

Mr. Strat asked if this addition could have been built with the original setback requirements and Mr. Stimac stated that it could have been built under the original setbacks and also when Note P was in place.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Mathias Warmbrunn, 4551 Mill Pond a variance to construct a family room addition resulting in a rear yard setback of 35.1' where Section 30.10.04 of the Zoning Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in the application.
- Literal enforcement of the Ordinance makes conforming unnecessarily burdensome.

Yeas: 5 – Strat, Courtney, Gies, Hutson, Kovacs
Absent: 2 – Maxwell, Fejes

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson commended Mr. Stimac on the fact that he has taken the time to provide background information on the changes in the Ordinance, which allow the Board to make a decision.

Motion by Courtney
Supported by Kovacs

MOVED, to excuse Mr. Maxwell and Mr. Fejes from attendance at this meeting.

Yeas: 5 – Courtney, Gies, Hutson, Kovacs, Strat
Absent: 2 – Fejes, Maxwell

MOTION TO EXCUSE MR. MAXWELL AND MR. FEJES CARRIED

The Board of Zoning Appeals meeting adjourned at 8:11 P.M.

Marcia Gies, Vice Chairperson

Pamela Pasternak, Recording Secretary

February 19, 2004

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research and Technology Administrator

SUBJECT: Agenda Item - 2003 Police Department Calls for Service

Attached is a spreadsheet detailing calendar year 2003 calls for police service, criminal offenses, arrests, clearance rates, traffic crashes, and citations issued. This reporting format complies with National Incident Based Reporting System (NIBRS) requirements. NIBRS requires the reporting of incidents and all offenses within an incident. As you can see from the attached spreadsheet, there is very little difference between reported incidents and offenses.

Also included with this report is a spreadsheet detailing the 10-year history of criminal incidents and calls for service. For the purpose of comparison, the 10-year history is formatted into Part I, Part II, Part III, and Part V categories. The NIBRS system is relatively new and without reformatting, a year-to-year comparison is difficult.

GROUP A CRIME

During the year 2003, Group A incidents increased by 2.0% (74 actual incidents) from 2002 levels. Within Group A, Destruction/Damage/Vandalism, and Motor Vehicle Theft, increased significantly, 15.8% (76 actual incidents) and 31.7% (38 incidents), respectively. Sex Offenses (Forcible) increased by eight incidents (29.6%). This category includes crimes where the perpetrator is known to or related to the victim. Robbery increased by 28.6% (6 incidents). Although is a small numeric increase, the seriousness of the crime is such that any increase is cause for concern. However, our officers recently made two significant armed robbery arrests, and we believe those suspects were responsible for several of the robberies.

Group A crime showing a significant decrease from 2002 include Breaking and Entering (down 15.1% or 52 incidents), and Fraud (down 13.0% or 25 incidents).

GROUP B CRIME

Group B incidents decreased 9.6% (254 incidents) from 2002 levels. The only Group B category showing a significant increase was incidents of Bad/Fraudulent Checks, which was up two incidents (13.3%).

TOTAL GROUP A & B CRIME, ARRESTS, CLEARANCES

Together, Group A and B crime decreased 2.9% or 180 incidents.

Correspondingly, arrests for Group A and B crimes (combined) decreased 10.3% (258 actual arrests). However, Group A arrests, increased by 24 arrests (2.1%). Clearance rates for both Group A and B crime remain high, 30.5% and 50.7% respectively.

TRAFFIC CRASHES AND TRAFFIC ENFORCEMENT

Traffic crashes decreased by 4.1% (31 crashes) in the injury crash category, and increased by 9.1% (226 crashes) in the property damage crash category. There were two fatal crashes in 2003 as compared to seven in 2002. In total, there were 10 more traffic crashes (.2%) in 2003 than in 2002.

Hazardous traffic violation citations increased by 6.3% (735 citations). Non-hazardous and license/title/registration citations decreased by 22.6% (337 citations) and 24.3% (861 citations) respectively. These numbers reflect the department's emphasis on accident causing violations.

TOTAL CALLS FOR POLICE SERVICE

Overall, total calls for police service decreased by 2.8% or 1,112 calls. False alarms decreased by 9.7%, or 525 alarms. This is a significant reduction. Much of the credit for this reduction goes to the alarm ordinance and now retired Police Officer Dan Clark's management of the alarm registration and billing process.

TEN-YEAR CRIME TREND REPORT

Although Part I crime rose slightly last year, total incidents in that category were the second lowest in the last ten years. With the exception of Motor Vehicle Theft, Burglary (Breaking and Entering), and Larceny, which have significantly decreased over the ten-year period, most other Part I crime occurrences have remained very similar year-to-year.

2003 total calls for police service are the lowest in the ten-year period.

Traffic crashes, in total, increased during 2003. However, the 2003 total was the second lowest of the ten-year period. Injury and fatal crashes were at their lowest total of the last ten years.

Traffic citations, in total, were at their lowest level since 1997. Although there are some variances year-to-year, traffic citation issuance levels have been very similar each year since 1998.

This information will be posted on our website. Please feel free to contact Chief Craft or Wendell Moore should you require additional information.

ACTUAL INCIDENTS BY CRIME CLASS GROUP
TEN YEAR TREND

Part I Crimes	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
Criminal Homicide	1	2	0	2	0	1	4	3	3	1
Forcible Rape	12	12	7	12	7	11	6	10	8	5
Robbery	27	21	18	19	15	21	23	30	26	28
Aggravated Assault	49	45	45	49	50	65	64	60	58	72
Burglary	292	344	314	348	264	385	427	386	431	425
Larceny	1,563	1,507	1,712	1,819	1,915	2,347	2,659	2,691	2,756	2,533
Motor Vehicle Theft	158	120	201	132	157	164	205	292	242	310
Arson	5	10	19	6	3	4	7	15	18	11
Total Part I	2,107	2,061	2,316	2,387	2,411	2,998	3,395	3,487	3,542	3,385
Part II Offenses										
Negligent Homicide	1	2	2	0	3	1	1	0	0	0
Non-Aggravated Assault	273	309	286	318	319	330	379	434	380	398
Forgery/Counterfeiting	109	99	69	51	58	41	41	54	47	39
Fraud	184	207	256	279	317	299	285	269	255	251
Embezzlement	82	100	115	113	105	113	84	107	86	68
Stolen Property	11	8	6	20	22	16	21	41	36	31
Vandalism	558	482	505	638	521	770	735	773	974	913
Weapons	10	12	23	19	22	24	24	25	18	21
Accosting and Soliciting	1	1	1	1	2	0	2	1	0	1
Sex Offenses	37	48	36	39	47	44	50	65	49	45
Narcotics	93	103	128	133	147	143	124	139	137	84
Gambling	0	0	0	0	0	1	0	0	1	0
Family and Children	10	15	17	24	12	15	7	24	32	50
OUIL/OUIN	322	455	476	470	452	580	399	370	410	312
Liquor Laws	60	70	86	101	69	120	84	97	73	58
Disorderly	119	100	128	133	111	117	93	217	213	229
All Other Offenses	2,141	2,209	2,568	2,612	2,822	2,920	2,593	2,714	2,562	2,540
Total Part II	4,011	4,220	4,702	4,951	5,029	5,534	4,922	5,330	5,273	5,040
Total Part I & II	6,118	6,281	7,018	7,338	7,440	8,532	8,317	8,817	8,815	8,425
Total Part III	32,391	33,348	35,797	37,869	37,787	36,738	34,966	36,019	36,322	34,209
Total Part V Fire	77	69	140	158	144	149	133	204	264	230
Total Incidents	38,586	39,698	42,955	45,365	45,371	45,419	43,416	45,040	45,401	42,864
Traffic Citations										
Hazardous	12,356	11,621	13,250	12,240	11,621	11,627	9,800	9,727	9,957	8,122
Non-Hazardous	3,829	5,027	4,161	5,017	5,797	6,091	5,547	5,610	5,256	4,422
Parking	886	1,120	1,717	1,479	1,686	2,163	1,513	1,534	1,705	1,852
Total Citations	17,071	17,768	19,128	18,736	19,104	19,881	16,860	16,871	16,918	14,396
Traffic Crashes										
Property Damage	2,700	2,474	2,737	3,247	3,049	3,078	3,017	3,010	2,939	2,744
Personal Injury	722	753	882	940	930	1,008	1,060	1,149	1,126	1,132
Fatal	2	7	9	8	8	3	4	8	9	8
Total State Reportable	3,424	3,234	3,628	4,195	3,987	4,089	4,081	4,167	4,074	3,884
Private Property	1,137	1,317	1,345	1,440	1,479	1,491	1,406	1,489	1,353	1,296
Total Crashes	4,561	4,551	4,973	5,635	5,466	5,580	5,487	5,656	5,427	5,180

Annual 2003/2002 Comparison

[illegible]

Troy Police Department

Annual 2003/2002 Comparison

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Annual		Percent	Annual		Percent	Annual		Percent	Annual	
	2003	2002	Change	2003	2002	Change	2003	2002	Change	2003	Percent
Alarms	4,901	5,426	-9.7%	4,901	5,426	-9.7%	NA	NA	NA	NA	NA
All Other	27,484	27,899	-1.5%	27,796	28,382	-2.1%	509	645	-21.1%	NA	NA
Group C Miscellaneous Total	32,385	33,325	-2.8%	32,697	33,808	-3.3%	509	645	-21.1%	NA	NA
Group E Fire Total	77	69	11.6%	77	69	11.6%	NA	NA	NA	NA	NA
Grand Totals	38,586	39,698	-2.8%	39,224	40,625	-3.4%	2,752	3,146	-12.5%	2,480	38.4%
Traffic Crashes and Citations											
Reportable Traffic Crashes				2003 Alcohol Involved Crashes							
Personal Injury	722	753	-4.1%	21 Incidents--2.9% involved alcohol.							
Property Damage	2,700	2,474	9.1%	39 Incidents--1.4% involved alcohol.							
Fatal	2	7	-71.4%	1 Incidents--50.0% involved alcohol.							
Total Reportable	3,424	3,234	5.9%	61 Incidents--1.8% of all reportable crashes involved alcohol.							
Private Property Crashes	1,137	1,317	-13.7%								
Crashes Grand Total	4,561	4,551	0.2%								
Traffic Citations											
Hazardous	12,356	11,621	6.3%								
Non-hazardous	1,153	1,490	-22.6%								
License, Title, Registration	2,676	3,537	-24.3%								
Parking	886	1,120	-20.9%								
Traffic Citations Total	17,071	17,768	-3.9%								

DATE: February 16, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
1918 Muer

On January 22, 2004, information was sent to Mr. Cristian Artan that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Dodge stake truck and utility trailer parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle and trailer or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Artan has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of March 22, 2004.

Copies of the application, site plan submitted by the petitioner, and photos provided by the petitioner and also taken by staff are included for your reference.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

RECEIVED

FEB 02 2004

COMMERCIAL VEHICLE
APPEAL APPLICATION

BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: MARIANA ARTAN
LAURENTIU ARTAN

ADDRESS: 1918 MUCK TROY MICH

CITY: Troy MI. ZIP: 48064 PHONE: 248 250-2262

ADDRESS OF SITE: MUCK 1918

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1B6ME368XK5124092

LICENSE PLATE NUMBER(S) TL31AV TRAILER 7 400615

DESCRIPTION OF VEHICLE(S) Dodge Truck white

2002 HAULIN 7'-10"

REASON FOR APPEAL (see A - D below) This truck is the life
of my business, with out this truck I can not
pay my bills.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

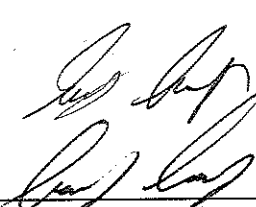
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

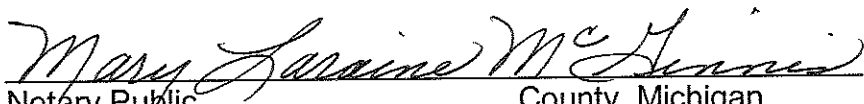


(signature of applicant)

STATE OF MICHIGAN

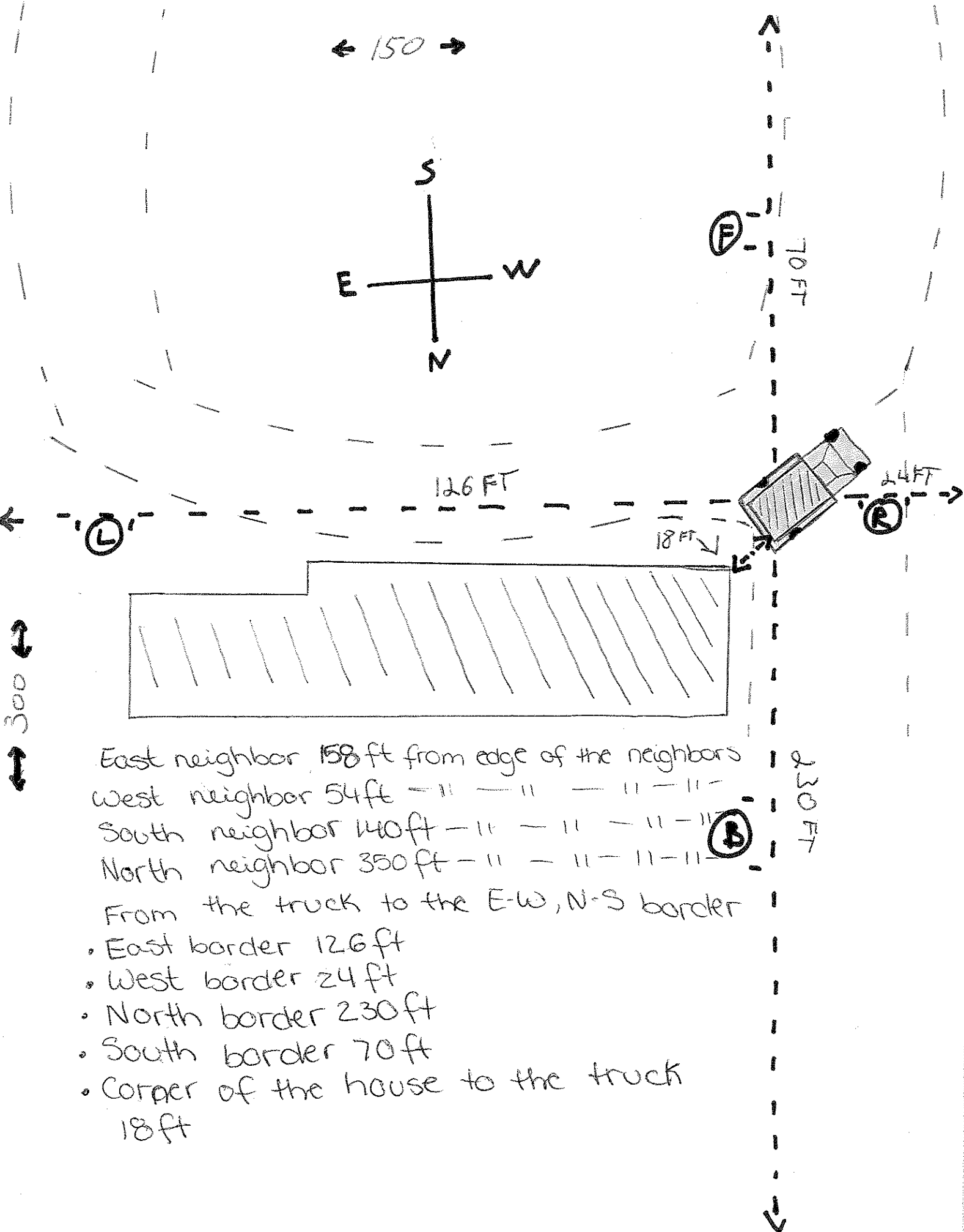
COUNTY OF OCLAND

On this 2 day of February, 20 04 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.



Notary Public, County, Michigan

My Commission Expires: May 30, 2007



1918 Muer
Troy, mi 48084
1989 Stake Truck
Owner: Mariana Artan
Laurentiu Artan

Signature of Neighbors in the neighborhood
that don't have concerns about the
truck.

Apurthiu J. Olyne 3463 Crooks
(corner of Muer)

John Harrison 1516 Muer


1515 Muer

Erin Kennedy
Justine Fields 1565 Muer

William Dugan 1650 Muer

Bonnie & Schell 1707 Muer

John A. Pelt  1730 Muer.

Photo Taken by Building Department Staff



Photos provided by applicant



MCCLURE

MUER



DATE: February 24, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Parking Variance Request
3614 – 3674 Rochester Road

We have received an application from Dennis Dahnke representing Short Circuit to locate a "Short Circuit 30 Minute Workout" facility in an existing tenant space at the Century Plaza shopping center at 3614 – 3674 Rochester Road. Specifically, they are proposing to occupy the space at 3648 Rochester for a 1,330 square foot health and fitness club. Considering this proposed use as well as the other existing uses in the center, a total of 300 parking spaces are required by Section 40.21.01 of the Troy Zoning Ordinance. Based upon a variance for 57 spaces granted by City Council in September of 2003, this required parking has been reduced to 243 spaces. The plans submitted with the application and a review of the site indicates that the only 235 parking spaces are available. The permit application for this tenant alteration has been denied. In response, the petitioners have filed an appeal of the parking requirement.

A Public Hearing has been scheduled for your meeting of March 22, 2004, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED

FEB 17 2004

BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: 2/17/2004

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Dennis Dahnke dba/Short Circuit Phone: 248-310-4243

Address: 31964 Alden Ct., Beverly Hills, MI 48025

Address of Property: 3614-3674 Rochester Rd., Century Plaza

Lot # NA Subdivision: NA

Zoning District: NA Sidwell # 23-156-003

Owner of Property: Century Plaza L.L.C. Phone: 248-855-5075

Address: 31731 Northwestern Hwy., Farmington Hills, MI 48334-1654

Please send letter to this address.

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 2/12/2004

Has there been a previous appeal involving this property? No If Yes, state date _____
and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____

Parking Spaces Required: 300

Number of Stalls? _____

Parking Spaces Provided: 292

Other Dimensions? _____

Variance Requested: 8

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)

COUNTY OF OAKLAND

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 2/17/04 Dennis Bohrer
(Signature of Applicant)

Signed and Sworn to before me this 17 day of February 2004

Mary Laraine McHennis
Notary Public

My Commission Expires: May 30 2007

Filing Fee \$200.00	Date Paid <u>2-17-04</u>
---------------------	--------------------------

February 17, 2004

TO: CITY COUNCIL
CITY OF TROY

RECEIVED

FEB 17 2004

BUILDING DEPARTMENT


From: Dennis Dahnke
Short Circuit Workout Studio

RE: PARKING VARIANCE

The attached Century Plaza site map shows the location of Short Circuit unit #18. Abutting the north side of this unit is parking seldom used by other visitors to the plaza because it is out-of-the-way to all units except for #18 and #19 (currently vacant). It contains 11 stripped parking spaces for customers, and an additional 3 for tenants. The members of Short Circuit will be encouraged to park here, and no doubt will choose to do so because of its convenience to the unit.

Member usage of similar exercise facilities indicates that our facility will see a slacking-off of business between the hours of 12 noon to 3 p.m. This balances nicely with the 6 restaurant/fast food businesses in the plaza whose peak traffic occurs during this same time period

Sincerely,

A handwritten signature in dark ink, appearing to read "Dahnke", is written over a horizontal line.

Century Plaza - Parking Analysis

Address (Rochester)	Tenant	Area (s.f.)	Parking Factor	Req'd Parking
3614-3674	Shopping Center (gross sq. ft.)	35,345	1/170 G.S.F. (=208 spaces)	208
3614-3618	Café Franco	(80 seats) 3,880	1:2 + 1:10 =	48
3620	Gymboree	12 students/1,015	1 per 3 students (occ. load)	4
3622	Mark C. Smith Insurance	1,260	1/200 G.S.F.	6
3624	Vacant	1,260	1/200 G.S.F.	6
3626	Tubby's	(28 seats) 1,260	1:2 + 1:10 =	17
3628	Kelly's Hair Salon	(5 chairs) 1,260	3:2 chairs + 1-1/2:1 chairs	10.5
3630	Minato Sushi	(30 seats) 1,206	1:2 + 1:10 =	18
3632	H & R Block	1,230	1/200 G.S.F.	6
3634	Old Cafe	(30 seats) 1,260	1:2 + 1:10 =	18
3636	Artistic Salon	(5 chairs) 1,260	3:2 chairs + 1-1/2:1 chairs	10.5
3638	Nailco	1,890	1/200 GSF	9
3640-3644	Ashoka Indian Cuisine	(88 seats) 3,150	1:2 + 1:10 =	53
3646	Park Avenue Cleaners	1,260	1/200 G.S.F.	6
3648	PROPOSED SHORT CIRCUIT 30-Minute Workout	1,330	1/50 S.F. exercise area 747 s.f.	15
3656	Vacant	1,260	1/200 G.S.F.	6
3658	Penn's Thai Café	(20 seats) 1,260	1:2 + 1:10 =	12
3660	Smoker's Haven	1,200	1/200 G.S.F.	6
3662-3664	Leslie's Poolmart	4,283	1/200 G.S.F.	21
3666-3668	Vacant	2052	1/200 G.S.F.	10
3670-3674	ZOUP Restaurant**	(30 seats) 2,300	1:2 + 1:10 =	18
			TOTAL	300
	Parking Required = 300 Parking Provided = 253 site plan Parking Provided = 235 actual * *reduced because of fire hydrants, electrical transformers, and 15 trash dumpsters. **Parking variance granted to ZOUP			

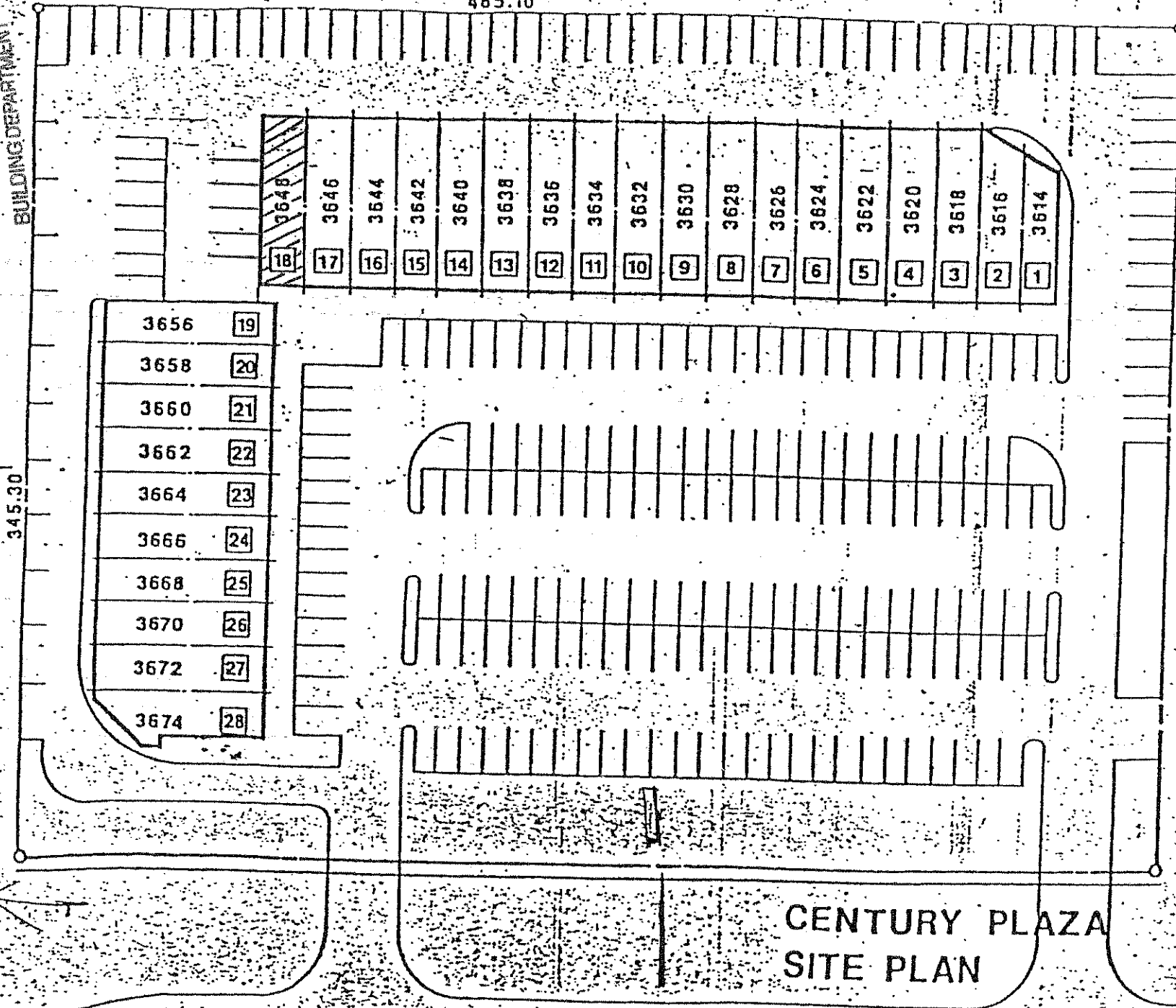
RECEIVED

FEB 17 2004

BUILDING DEPARTMENT

345.30'

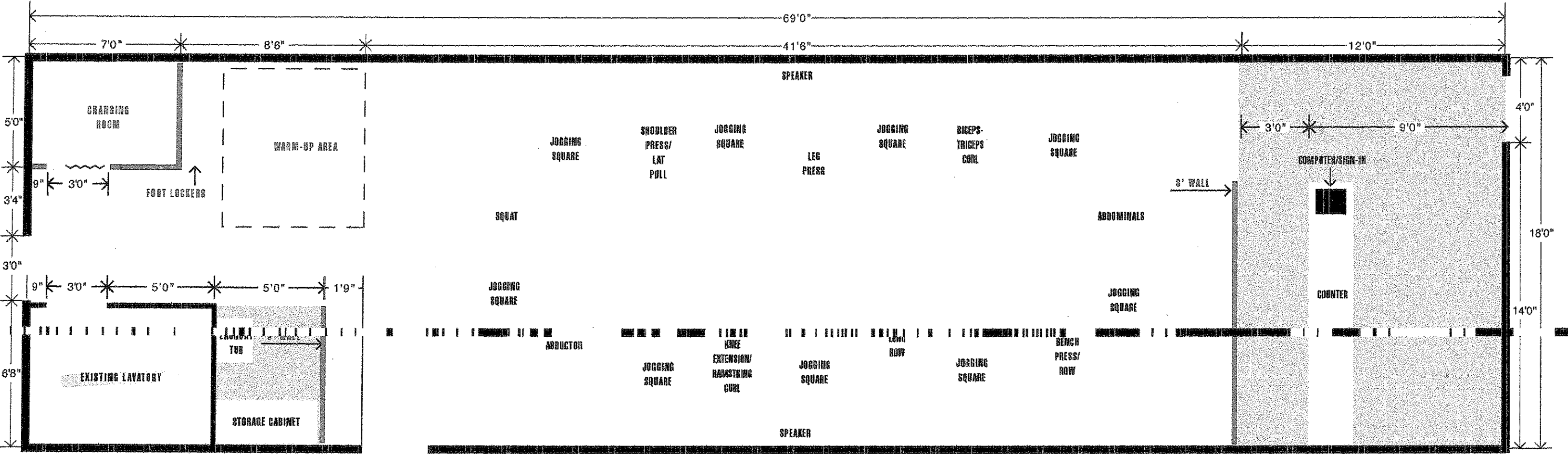
465.10'

CENTURY PLAZA
SITE PLAN

ROCHESTER ROAD

Short Circuit
3648 Rochester Rd.
Troy, MI 48083
Size: 1330 sq. ft.

RECEIVED
JAN 13 2004
BUILDING DEPARTMENT





City of Farmington Hills

G-05a

OFFICE OF CITY CLERK

RECEIVED

FEB 24 2003

RESOLUTION

CITY OF TROY
CITY MANAGER'S OFFICE

Urging Regulation of Cable Television Rates

- WHEREAS, In an effort to bring effective competition to the market, the United States Congress deregulated cable television rates in 1996 with The Telecommunications Act; and
- WHEREAS, evidence from the United States General Accounting Office indicates that when an incumbent cable operator faces "effective competition" rates are 15% lower, service levels higher and new services are added without an increase in the monthly rate; and
- WHEREAS, effective competition is the rare exception and not the norm for most cable subscribers; and
- WHEREAS, the 2004 annual report of the Status of Competition in the Market for Delivery of Video Programming (cable) by the Federal Communications Commission describes regulatory and other barriers to entry that limit the ability of prospective video program distributors to compete with incumbent cable operators; and
- WHEREAS, those barriers include: a costly infrastructure investment which potential cable providers contend is a high-cost venture for little return; existence of only a few large cable companies since many mergers have occurred; inability to access programming because an incumbent video programming distributor has a long-term and/or exclusive contract; and a limited market due to an incumbent cable provider having contracts with multiple dwelling units. In Farmington Hills, 30% of housing is apartments where exclusive contracts exist.
- WHEREAS, between 1993 and 2003, the Consumer Price Index, which measures general price changes, increased approximately 25.5%, while cable prices, also measured as a subcategory of the CPI rose approximately 53.1%. Between June 2002 and June 2003, the cable price component of the CPI rose 5.1% compared to a 2.1% increase in the overall CPI.
- NOW, THEREFORE, BE IT RESOLVED that the City of Farmington Hills urges Congress to recognize that because barriers exist that discourage entry into the cable market and effective competition does not exist, rate regulation must be reinstated.

Adopted this 9th day of February, 2004

Vicki Barnett, Mayor

I, Kathryn A. Dornan, City Clerk of the City of Farmington Hills, Michigan do hereby certify that the foregoing is a true and correct copy of a Resolution unanimously adopted by the Farmington Hills City Council at its regular meeting held February 9, 2004.

Kathryn A. Dornan, City Clerk

April 2004

April 2004

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2004

S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			April 1	2	3
			10:00am Senior Advisory (Community Center)		4
5	6	7	8	9	10
Election - City General	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	7:00pm Persons w/Dis (Conference Room Lower Level)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)			18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Historic District (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)	7:00pm Cable Adv (Conference Room C)		25
26	27	28	29	30	
	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	7:00pm Troy Youth (Conference Room Lower Level)			

May 2004

May 2004							June 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					May 1
					2
3	4	5	6	7	8
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning - Study (Council Boardroom)	Precinct Delegate Filing Deadline- 7:00pm Persons w/Dis (Conference Room Lower Level)	10:00am Senior Advisory (Community Center)		9
10	11	12	13	14	15
7:30pm City Council-Regular (Council Chambers) 7:30pm Tentative Study Session (Council Boardroom)	7:30pm Planning Commission - Reg (Council Chambers)	3:00pm ERS Meeting - Conf Room C (room has already been booked) (agenda)	7:30pm Library Adv (Library Conference Room) 7:30pm Parks and Recreation Bd (Community Center)		16
17	18	19	20	21	22
	7:30pm Historic District (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			23
24	25	26	27	28	29
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning-Study (Council Boardroom) 7:30pm Historical Commission (Troy Museum) 7:30pm Troy Daze (Community Center)	7:00pm Troy Youth (Conference Room Lower Level)			30
31					

From: Leonard Bertin [leonard@mobilitymarketing.com]
Sent: Friday, February 13, 2004 10:13 AM
To: Laura A Fitzpatrick
Cc: 'John Szerlag'
Subject: Re: CCPTF Report

Laura,

Once again I must commend you on the thorough nature with which you perform your job. It has been an absolute pleasure to have your commitment to the City of Troy and its citizens as a part of the CCPTF process.

Laura A Fitzpatrick wrote:

>Dear CCPTF Members -

>

>REPORT SENT TO CITY COUNCIL

>Attached is the report that is included in the City Council Agenda packet.

>The map and presentation slide files were also sent to City Council, but
>burned on their agenda CD as separate files as they are too large to be part
>of the regular pdf packet (each file is 5 MB in size). City Council is also
>receiving a paper 11X17 copy of the map as that is the best medium in which
>to view it.

>(Note: per City Council procedure, they are receiving the report
>electronically.)

>

>PUBLIC REVIEW OF THE REPORT

>Hard copies of the complete report are available for review at the Library
>and City Clerks office as of this evening.

>

>Per usual practice, the City Council agenda packet is online and, as stated
>above, the attached file is contained in that document.

>

>The CCPTF report will also soon be published to the CCPTF web page - it will
>be contained in 3 files: the one attached to this message, the map and the
>presentation slides.

><http://www.troy.mi.gov/CCPTF/>

>

>BOUND DOCUMENTS

>The official bound [paper] documents are under production.

>Due to technical delays in the Duplicating Dept your personal copies of the
>bound document may not be available on Monday night. If that is the case, I
>will snail mail them to you all next week when they are ready.

>

>MONDAY NIGHT'S CITY COUNCIL MEETING - 2nd reminder! - PLEASE "RSVP"

>I will reserve a section in City Council Chambers for the CCPTF. Your
>presentation is the first item on the agenda.

><http://www.troy.mi.gov/council/Meetings.asp>

>The meeting starts at 7:30. It is advisable to arrive a bit early so that
>you may congregate as a group.

>If you are planning on attending, please let me know so that I will save
>enough seats.

>

>Please contact me with any questions or concerns.

>

>Hope to see you on Monday (or at the Board/Committee Banquet on Saturday!),

>Laura -

>

>

>

>Laura Fitzpatrick



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

February 16, 2004

Area code (248)

Assessing

524-3311

Bldg. Inspections

524-3344

Bldg. Operations

524-3368

City Clerk

524-3316

City Manager

524-3330

Community Affairs

524-1147

Engineering

524-3383

Finance

524-3411

Fire-Administration

524-3419

Human Resources

524-3339

Information Technology

619-7279

Law

524-3320

Library

524-3545

Parks & Recreation

524-3484

Planning

524-3364

Police-Administration

524-3443

Public Works

524-3370

Purchasing

524-3338

Real Estate & Development

524-3498

Treasurer

524-3334

General Information

524-3300

U.S. Senator Carl Levin

477 Michigan Avenue

Room 1860

Detroit, MI 48226

RE: Use of CMAQ Transportation Funds for Operations of ITS Programs

Dear Senator Levin:

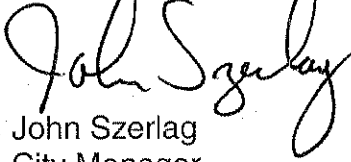
The City of Troy is requesting that language be included in the 2005 transportation appropriation and the next transportation bill removing the current three-year time limit on the use of Congestion Mitigation/Air Quality (CMAQ) funds for the operation of Intelligent Transportation Systems (ITS). This would ensure the long-term financial support that is necessary to operate these critical systems and help improve traffic flow and safety without the costs associated with road widening.

The City of Troy works in conjunction with the Road Commission for Oakland County to operate the FAST-TRAC ITS program in Oakland County. For the FAST-TRAC traffic signal system to continue and be successful it is necessary for the costs of the on-going operation and maintenance of the systems following installation to be able to be funded using CMAQ funds. Without adequate operational funds, I am very concerned that the FAST-TRAC system can quickly deteriorate, reducing the benefits the FAST-TRACK system has provided. CMAQ is the primary source of ITS operating funds in Oakland County. During the course of TEA-21, however, the FHWA made the seemingly arbitrary administrative decision to limit the use of CMAQ funds for operations and maintenance to three years in what seems to be a decision contrary to the intent of TEA-21. This three-year limitation is not part of TEA-21. As a result, the City of Troy along with other municipalities, and the Road Commission for Oakland County are facing financial crises as we struggle with the question of how to finance the operations and maintenance of the FAST-TRAC adaptive, real-time signal system.

I appreciate your help in resolving this crisis. Hopefully this can be accomplished in both the 2005 transportation appropriations and in the transportation bill reauthorization.

If you have any questions, please feel free to contact me at 248-524-3330 or by e-mail at johnszerlag@ci.troy.mi.us.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Szerlag".

John Szerlag
City Manager

cc: Mayor & City Council
Gary A. Shripka, Assistant City Manager, Services
Steve J. Vandette, City Engineer
John K. Abraham, Traffic Engineer
Brent Bair, RCOC Managing Director

February 24, 2004

TO: John Szerlag, City Manager

FROM: Steve Vandette, City Engineer
John Abraham, Traffic Engineer

SUBJECT: Agenda Item – Report on 2003 Sidewalk Waivers

In response to a City Council request, following are details of the sidewalk waiver requests received and processed in 2003.

A total of 15 sidewalk waiver requests were received in 2003. Six were denied, while nine were approved by the Traffic Committee. The table below shows details of the requests.

<u>ADDRESS</u>	<u>STREET NAME</u>	<u>SIDWELL.</u>	<u>APPROVED</u>	<u>DENIED</u>	<u>RESOLUTION</u>
2791	Rabben Ct Parcel C	2007153018,019	7/16/03		2003-03(5 yrs)
0	Rabben Ct Parcel A	2007153018,019	7/16/03		2003-01(5 yrs)
0	Rabben Ct Parcel B	2007153018,019	7/16/03		2003-02(5 yrs)
0	Rabben Ct Parcel D	2007153018,019	7/16/03		2003-04(5 yrs)
895	Vanderpool	2022401090		7/16/03	2003-6
883	Vanderpool	2022401035		7/16/03	2003-5
1547	Rockfield	2014401020	9/17/03		2003-09-05 (2yrs)
3330	Rochester @ Torpey	2023303038	10/15/03		2003-10-13 (2yrs)
6850	Adams Rd.	2006101016	10/15/03		2003-10-15 (2yrs)
6728	Eckerman	2002131001		11/19/03	2003-11-25
143	Evaline	2015351024		11/19/03	2003-10-24
918	Trinway	2010476061	11/19/03		2003-11-20 (2yrs)
6769	Eckerman	2002102009		11/19/03	2003-11-22
6783	Eckerman	2002102009		11/19/03	2003-11-23
343	Vanderpool	2022327047	11/19/03		2003-11-21 (2yrs)

Reasons for denial:

- More homes are planned in the same roadway so it makes sense to “start somewhere.”
- There are enough new homes already built and other new homes proposed such that a sidewalk makes sense at this time (e.g., on Evaline).
- Petitioner was not present to discuss the waiver request even after being requested in writing to attend the meeting.

Reasons for approval:

- The entire subdivision does not have sidewalks and neighbors want “rural” atmosphere preserved (Rabben Court).
- No connecting sidewalks on the street.

February 24, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Jeffrey J. Biegler, Superintendent of Parks

SUBJECT: Agenda Item – Cricket Field at Boulan Park

At their February 16, 2004 meeting, City Council directed staff to provide additional information regarding the development of a cricket field in the northwest corner of Boulan Park.

This report will identify the impact on current programs, the possibility of reprogramming affected programs, the estimated usage of the affected baseball diamond and picnic shelter, and the expected participation of the Michigan Cricket Association in the potential development of a cricket field at the site.

A separate, but related issue involves additional direction by council to investigate the cost of increasing maintenance on the football field and to initiate dialog with the school district for the use of one of the high school football fields for Troy Cowboys football games.

Field Layout Summary

The desired layout of the cricket site is a field approximately 450 feet wide from west to east and 550 feet long from north to south. A concrete pitch measuring 9 feet by 66 feet runs north and south in the center of the field. To accommodate a field of these dimensions in the northwest corner of Boulan Park, several things have to happen.

1. Ball diamond must be relocated and/or its programming shifted to other sites.
2. Picnic shelter must be removed and relocated elsewhere in the park.
3. Approximately 20 trees, including a 200+ year-old oak with a 48-inch DBH (diameter at breast height) must be removed.

Affects on Current Use of Site

The location of a cricket field in the northwest corner of Boulan Park will have an affect on many current uses at the park.

- **Ball Diamond** – The ball diamond (ball diamond #3) in this area is programmed for T-Ball, Coach Pitch, and Girls softball for 7 weeks, Monday-Friday during the months of June and July. It is also available by reservation for two-hour blocks of time by residents requesting a field for pick up softball games or by groups holding picnics at the park shelters. Finally, the outfield area of the ball diamond is used as a practice area for

the Troy Cowboys football teams from August 1st through the end of their season.

Removal of ball diamond #3 will eliminate the ability of the general public to play softball at Boulan Park unless they are in an organized league. It will also force the relocation of established T-Ball, Coach Pitch, and Girls softball programs to other facilities. It is unclear at this time where alternate facilities will be available to host these programs.

Troy Cowboys football teams will have to find another area of the park on which to practice, as their use of a cricket field would negatively impact the condition of the turf for the cricket players.

Picnic Shelter – In order for a cricket field to be located in the northwest corner of Boulan Park, Shelter #1 will have to be relocated. This is a new shelter, which was constructed just last year. Finding an alternate location within Boulan Park will be a challenge, since its present location takes advantage of open space not reserved for other activities. Other possible locations within the park will put those using the shelter closer to parking lots, or ball diamonds, reducing the desirability of the shelter and increasing the potential for injury from foul balls or motor vehicles. Relocation of the shelter to another part of Boulan Park would also negatively affect the set up of the Troy Daze festival.

Trees – Approximately 20 trees will need to be removed from the area identified for a cricket field in Boulan Park. Among those to be removed is a large oak, estimated to be between 200-250 years old located in the middle of the cricket field. This oak is a beautiful specimen with a diameter of 4 feet at breast height. Its removal, along with the other trees that would be removed would result in a loss of aesthetic appeal this section of the park holds.

Troy Daze – The Troy Daze festival uses the west section of Boulan Park each September to set up the Magic of Fall/Troy Daze festival. The set up area includes the northwest corner where a cricket field would be constructed. This area is not only used for parking by participants of the festival, but is also traversed regularly by vehicles and equipment during the event. The area identified for the cricket field is also where many of the tents are erected for Troy Daze activities, creating additional damage to the playing surface due to excessive wear. Troy Daze related activity would negatively impact the turf of the cricket field, rendering it unplayable until restoration can occur.

Funding

Staff estimates the cost of constructing a cricket field in the northwest corner of Boulan Park including relocation of ball diamond #3, picnic shelter #1, and removal of trees at \$159,000.

It was stated at the last council meeting that the Michigan Cricket Association would be responsible for \$100,000 of that estimated total cost, with the City contributing the balance of \$59,000. Funding for this project is not in the current budget. If approved for immediate development, a funding source must be identified. If approved for the 2004-2005 budget, capital funding could be proposed for the project.

Staff met with MICHCA representatives on Thursday, February 19, 2004 at their request to discuss the potential Boulan Park site as well as the Livernois Park site. MICHCA has indicated they are not interested in contributing \$100,000 for a cricket site in Boulan Park, but instead would prefer to concentrate their efforts and their money on the development of a championship cricket field at the Livernois Park site. MICHCA members expressed concerns over displacement of other existing uses at Boulan Park, including those of the Troy Cowboys.

Increased Maintenance on Football Field

Field maintenance of the area used by the Troy Cowboys for their games was called into question at the last council meeting. A direction was given to staff to investigate the cost of increasing maintenance of that football field.

Current field maintenance practice involves repair of the torn up areas on Monday morning following a home game day the previous weekend. Repairs include topdressing and seeding worn areas and rolling, when necessary. Regular rolling of a playing field is not desirable as it compacts the soil, affecting drainage and root growth. Wet weather often encountered in September and October also affects the condition of the football playing field. Additional field use for regular football practice by the Troy Cowboys as well as playing games or holding practices on the field during rainy days increases turf damage and further impact the ability to restore the field between games.

The poor condition of the field is not so much attributable to poor maintenance, as was stated in the last council meeting, but the inability to keep the field out of play between Troy Cowboys game days.

Conclusion

While a cricket field would certainly fit in the northwest section of Boulan Park, its affect would be far-reaching with the disruption of use of one picnic shelter and one ball diamond affecting many Troy residents, elimination of the practice space for the Troy Cowboys football teams, removal of a number of trees including a 200-250 year-old oak, and the necessity to reconfigure the Troy Daze festival.

Included are photos of some of the trees that would be removed, as well as aeriels of the park and the proposed cricket field location.

The Michigan Cricket Association has also expressed concern over displacing existing uses at Boulan Park while recognizing a better use of City and MICHA resources with the development of a cricket field at the Livernois Park site.

Staff is exploring the possibility of allowing temporary weekend use of Raintree Park for cricket when there are no other scheduled uses at the facility. Although not a desirable site for cricket, it would serve as a location to play until a permanent site could be built.

Staff is requesting direction from Council. A decision is needed to allow us to move ahead with development of a cricket field at either Boulan Park or the Livernois Park site, or to drop the matter entirely.

Another consideration in the decision process is at what point are residents notified of potential plans. If the financial commitment is made by Council to build a permanent cricket field at either site, staff will set up meetings with surrounding residents to inform them of plans and gather input.

Attachment: Boulan Aerial Site Plans
MICHCA Letter and Rosters
Tree Photographs

February 10, 2004

TO: John Szerlag, City Manager

FROM: Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Jeffrey J. Biegler, Superintendent of Parks

SUBJECT: Agenda Item – Cricket/Raintree Park Impact

The Michigan Cricket Association has suggested Raintree Park be used for cricket. Listed below are the scheduled activities that would be affected by cricket being played at Raintree Park.

<u>Activity</u>	<u>Uses Per Year</u>
T-Ball	39 games
Girls Softball	36 games
Ball Diamond Reservations	82 - 2 hour blocks
Practices/groups with shelter rentals	
TYSL (2- 8v8 soccer fields)	99 games (Fall only)
Park Shelter Reservations	85-nearly every Sat/Sun from May-Sept.

BOULAN PARK



CITY OF TROY
OAKLAND COUNTY MICHIGAN

1 inch equals 80 feet



Picnic Shelter

CRICKET SITE

Bell
Diamond

Troy Cowboys
Football Field

Asphalt Pathway

PROVINCIAL

ROTHWELL

FADI

SALMA

MECHANUS

Remove trees,
including
200+ year-old Oak

CRICKET SITE

Relocate Picnic Shelter

Relocate
Ball
Diamond

Asphalt
Pathway

OXLEY

OAK REST

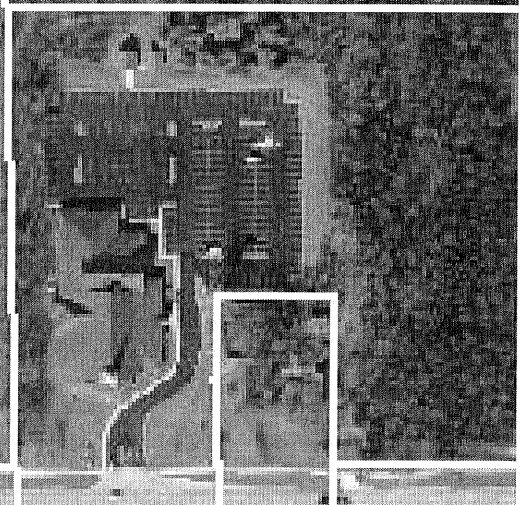
HIGHLAND

VICTORIA

Raintree Park

NORTH LAKE

SHERWOOD



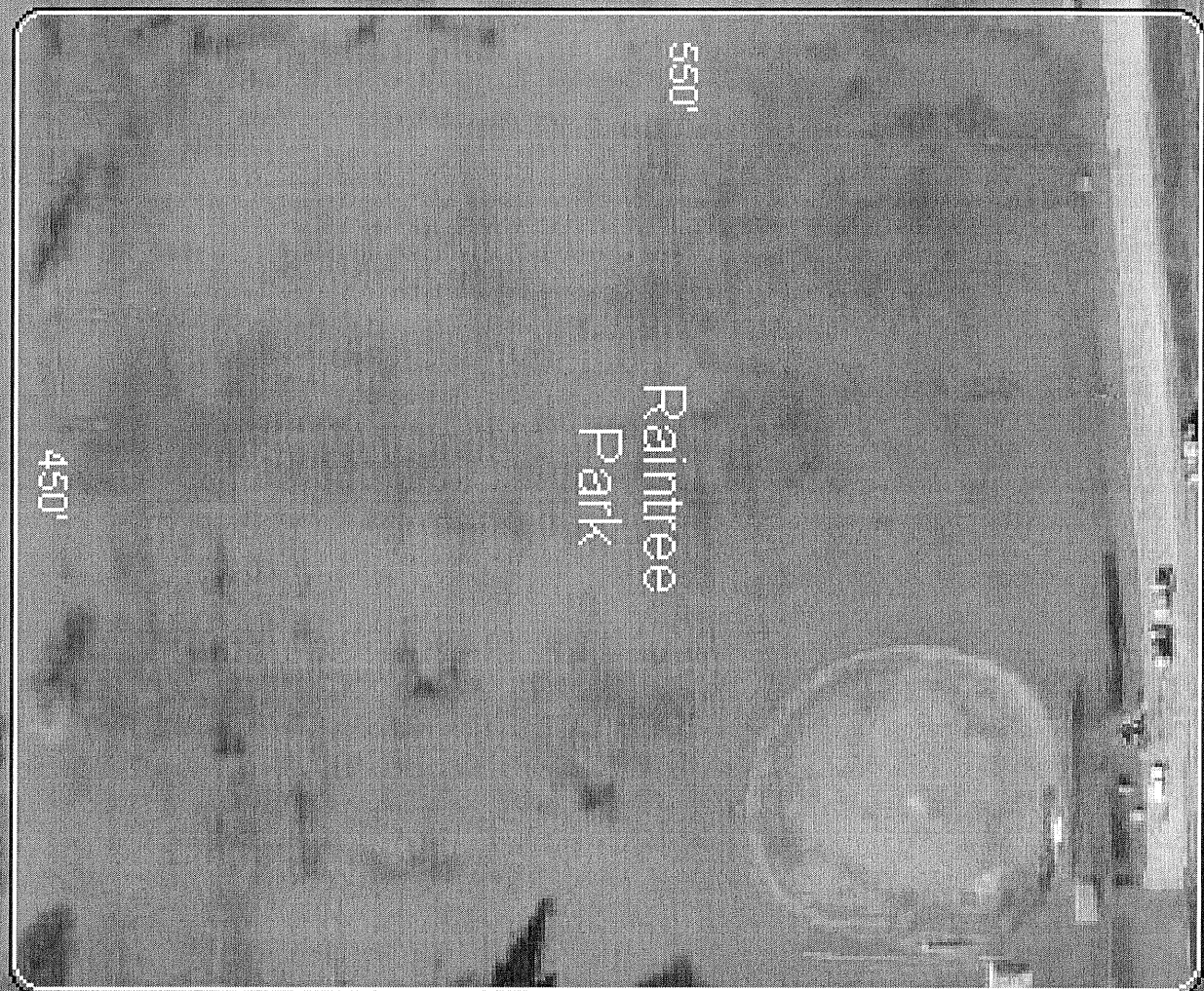
843

1855

1867

9

4000



JOHN R



Michigan Cricket Association

February 25, 2004

To: Honorable Mayor & City Council Members
From: Michigan Cricket Association

Subject: Cricket Ground in Troy

In the light of the previous council meeting dated 02-16-04, the Michigan Cricket Association is suggesting that Boulan Park may not be the best solution for Cricket field since Troy Cowboys use the proposed site for their practice. However, at whatever site is chosen, our association is willing to be flexible with regards to usage schedules. At the same time the association cannot commit a large financial contribution towards the Cricket field addition at Boulan Park, because it would only provide limited value.

Rain tree Park may provide another option to be used as the Cricket ground at least temporarily until we have a permanent ground. Rain tree park has some activities going on however I am sure that with the help of city staff, we can find a way to work around these activities.

Constructing a Cricket field at the North East corner of Livernois and Big Beaver was also suggested as a possible option. In this case it might make sense to invest more money where a Cricket field can be built from scratch with all the necessary amenities. Michigan Cricket Association will do its best in terms of partnering with the city financially, and will be happy to discuss specific amounts after a definite field/site is found. The financial contribution from the Association will depend on its resources as well as support from local corporations which we are confident will help contribute to this purpose.

We would like to emphasize that there is tremendous interest among Troy residents to find a home ground, it is therefore requested that the council continue to pursue a permanent long term cricket facility in Troy.

Thanking you for the continued support in this matter.
Sincerely,



Shahid Ahmed

For Michigan Cricket Association, Grounds Committee
5299 Fedora Dr.
Troy, MI 48085
248-828-2956





